



## REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, October 25, 2011, 6:00 p.m.

City Council Chambers  
630 E. Hopkins Street

*Bill Taylor, Chair*  
*Bucky Couch, Vice-Chair*  
*Sherwood Bishop, Commissioner*  
*Randy Bryan, Commissioner*  
*Curtis O. Seebeck, Commissioner*  
*Chris Wood, Commissioner*  
*Travis Kelsey, Commissioner*  
*Kenneth Ehlers, Commissioner*  
*Carter Morris, Commissioner*  
*Brooks Andrews, Texas State University Student Liaison*

### AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. **NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**

### Consent Agenda

6. **Consider approval of the minutes from the Regular Meeting on October 11, 2011.**
7. **PC-11-37(01) (JR. Keith Addition Concept Plat).** Consider a request by Shawn Ash, on behalf of James R. Keith, for approval of a concept plat for approximately 5.4 acres of property located at 203-211 Yale Street and 206 Orchard Street and at the terminus of Yale Street.
8. **PC-11-14(03) (JR Keith Addition-Phase 1).** Consider a request by Shawn Ash, on behalf of James Keith, for approval of a final plat of approximately 1.172 acres of property located at 203-211 Yale Street and 206 Orchard Street.
9. **PC-11-38(03) (Lowman Ranch Subdivision Section 1).** Consider a request by Stephen G. Cook Engineering, Inc., on behalf of Outlet West Investors, Ltd., for approval of a Final Subdivision Plat for approximately 4.09 acres of property located at the intersection of S. IH-35 and Commercial Loop.

### **Consideration**

- 10. LUA-11-15 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Land Use Map Amendment from Mixed Use (MU) to High-Density Residential (HDR) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.
- 11. ZC-11-19 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Zoning Change from Mixed Use (MU) to Multi-Family -24 (MF-24) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.
- 12. PDD-11-08 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Planned Development District overlay for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue, with a proposed base zoning of MF-24.

### **Public Hearing**

- 13. CUP-11-16 (Gumby's Pizza and Wings).** Hold a public hearing and consider a request by John Higdon on behalf of Gumby's Pizza and Wings for a Conditional Use Permit to allow the on-premise consumption of alcoholic beverages at 403A N. Guadalupe St.
- 14. PVC-11-05 (830 MLK Drive- lot depth to width plat variance).** Hold a public hearing and consider a request by Carlos Hernandez, on behalf of Virgilio Altamirano, for a subdivision plat variance to section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for a property located at 830 Martin Luther King Drive.
- 15. ZC-11-32 (1640 Aquarena Springs Dr).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Student Housing Association LLC, for a zoning change from General Commercial (GC) to Multi-family-24 (MF-24) for approximately 1.966 acres located at 1640 Aquarena Spring Drive.
- 16. LUA-11-21 (1305 Haynes Street).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a land use map amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.
- 17. ZC-11-33 (1305 Haynes Street).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a zoning change from Single-Family Residential (SF-6) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.
- 18. ZC-11-35 (El Camino Real).** Hold a public hearing and consider a request by Rio Marc Development for a zoning change from DR (Duplex Restricted) to MF-12 (Multi-Family-12) for approximately 12.904 acres located within the 2600 Block of State Highway 123 and part of the Barnett O. Kane Survey.
- 19. LUA-11-20 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.

- 20. ZC-11-31 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a zoning change from Single Family Residential-6 (SF-6) to Community Commercial (CC) for approximately 2.119 acres located at 1620 Ranch Road 12.
- 21. LUA-11-19 (1311 N. IH-35 Luxury Apartments).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a land use map amendment from Commercial (C) to High Density Residential (HDR) for approximately 2.547 acres located at 1311 N. IH-35.
- 22. ZC-11-30 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a zoning change from General Commercial (GC) to Multi-Family-24 (MF-24) for approximately 2.547 acres located at 1311 N. IH-35.
- 23. PDD-11-09 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a Planned Development District (PDD) with a base zoning designation of MF-24 for approximately 10.735 acres located at 1311 N. IH-35.
- 24. PDD-11-10 (Lime Kiln Rd- The Preserve at Windemere).** Hold a public hearing and discuss a request by Vigil and Associates, on behalf of Robert L. Haug and Vinson J. Wood, for a Planned Development District (PDD) with a base zoning district of Single Family Rural Residential (SF-R) for approximately 149.14 acres located off of Lime Kiln Road.

**25. Discussion Items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

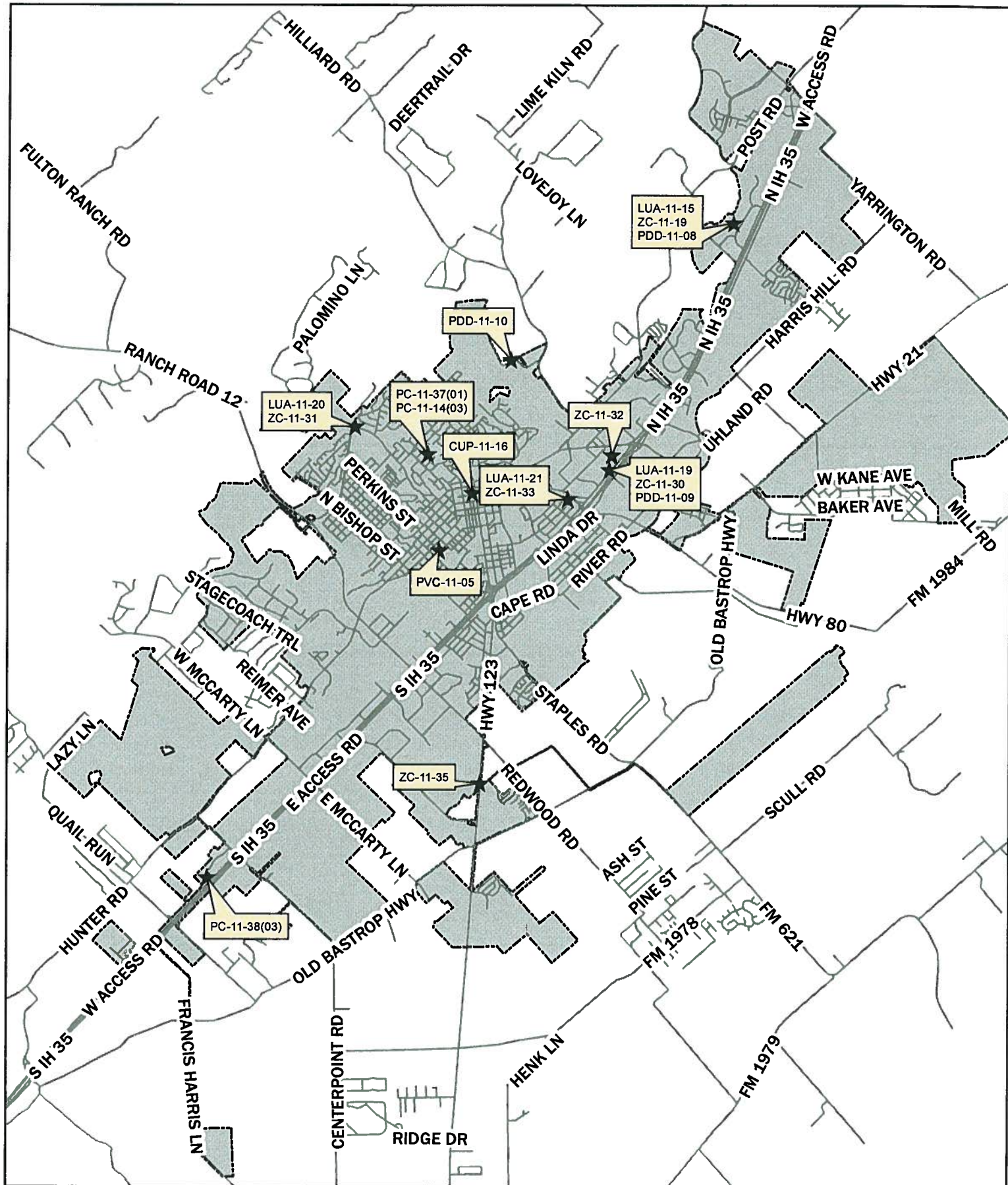
**Development Services Report**

**Commissioners' Report.**

**26. Questions from the Press and Public.**

**27. Adjourn.**

*Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.*



**Planning and Zoning  
Commission Meeting  
October 25, 2011  
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
October 11, 2011**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Bucky Couch, Vice Chair  
Sherwood Bishop  
Kenneth Ehlers  
Carter Morris  
Chris Wood  
Curtis Seebeck  
Randy Bryan  
Travis Kelsey

**City Staff:**

Matthew Lewis, Development Services Director  
Sofia Nelson, Chief Planner  
John Foreman, Planner  
Francis Serna, Recording Secretary

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday October 11, 2011 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Taylor welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

There were no citizen comments.

**Consent Agenda**

**6. Consider approval of the minutes from the Regular Meeting on September 27, 2011.**

**7. PC-11-37(01) (McNaughton Addition/ Keith Addition Concept Plat). Waiver of 30 day review period.** Consider a request by Shawn Ash, on behalf of James R. Keith for approval of a waiver of the decision time for a concept plat for approximately 5.4 acres of property located at 203-211 Yale Street and 206 Orchard Street and at the terminus of Yale Street.

**8. PC-11-14(03) (McNaughton Addition/ Keith Addition). Waiver of 30 day review period.** Consider a request by Shawn Ash, on behalf of James Keith for approval of a waiver of the decision time for a final plat of approximately 1.172 acres of property located at 203-211 Yale Street and 206 Orchard Street.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission approved on consent the minutes of the Regular Meeting on September 13, 2011; PC-11-37(01) and PC-11-14(03).

Item 9 was pulled to be considered separately.

**9. Land Development Code (LDC) Revisions.-** Consider possible action on the Land Development Code Revisions to the following sections: Chapter 1 Article 6-Platting Procedures, Section 6.7.2.1(j) Determination and Regulation of Lot Size, Section 2.2.1.1 Development Agreements, Chapter 1 Article 8 Division 1- Site Preparation Permits, Section 4.1.5.1 Creation of a new zoning district- Vertical Mixed Use, Chapter 4 Division 2 Public, Special, and Nonresidential Districts, Section 4.2.1.11 MF-12 Multiple- Family Residential Districts, Section 4.2.1.12 MF-18 Multiple Family Residential District, Section 7.4.2.3 General Requirements for Sidewalks, Section 1.5.6.6 and Section 1.10.1.4 Historic Preservation Appeals Process, Chapter 8 Glossary- Revisions to the Definition of Major, Minor, and Moderate Recharge Features.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Morris, the Commission voted all in favor to approve Item #9. The motion carried unanimously.

Item 13 was moved after item 9 to be considered simultaneously.

**13. Land Development Code (LDC) Revisions.** Consider possible action on the Land Development Code Revisions to the following sections: Chapter 1 Article 7 Division 1-Watershed Protection Plans and Chapter 7.4.1.4 Specific Street Standards-Street Lights.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Morris, the Commission voted all in favor to approve the watershed protection plan revisions with the condition that the following language be added to the ordinance: The development of 20 acres or more of land within the 100 year floodplain shall require Planning and Zoning Commission approval. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Couch, the Commission voted six (6) for and three (3) opposed to approve Specific Street Standards for Street Lights with the revision that the ordinance shall not apply to properties within the ETJ; and that the word "variance" be changed to "alternative." The motion carried.

There was a 10 minute intermission.

### **Public Hearing**

**10. WR-11-01(Stagecoach Trail and Wonder World Drive).** Hold a public hearing and consider a request by John David Carson, on behalf of Carson Diversified Land 1 LLC., for a warrant request to allow a variation to the allocation of transect zones within a SmartCode zoned property for a 5.05 acre area described as Lots 1-4 Block A of the Hays County Government Center Campus Subdivision and Lot 2 Section 4 of the San Marcos Business Park Subdivision and located at the intersection of Stagecoach Trail and Corporate Drive at Wonder World Drive.

**11. ZC-11-34 (Stagecoach Trail and Wonder World Drive).** Hold a public hearing and consider a request by John David Carson, on behalf of Carson Diversified Land 1 LLC., for a zoning change request from General Commercial (GC) to SmartCode District- Transect 5 (SC- T5) for a 5.05 acre area described as Lots 1-4 Block A of the Hays County Government Center Campus Subdivision and Lot 2 Section 4 of the San Marcos Business Park Subdivision and located at the intersection of Stagecoach Trail and Corporate Drive at Wonder World Drive.



Chair Taylor opened the public hearing for WR-11-01 and ZC-11-34. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission voted all in favor to approve WR-11-01. The motion carried unanimously.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Wood the Commission voted all in favor to approve ZC-11-34. The motion carried unanimously.

### **Considerations**

**12. PDD-11-07 (120 Warden Lane/ Thorpe Lane Lofts).** Consider possible action on a request by Austin Civil Engineering, on behalf of Javastone Capital Holdings, for a Planned Development District Overlay (PDD) at 120 Warden Lane.

**MOTION:** Upon a motion made by Commissioner Ehlers and a second by Commissioner Wood the Commission voted all in favor to approve PDD-11-07. The motion carried unanimously.

### **14. Discussion Items.**

Commissioner Wood requested that his concerns regarding sidewalks to be placed on an agenda.

Commissioner Bishop requested that staff review the ETJ light issues and make sure that there are no unintended dangers or financial issues that the city might incur.

Brooks Andrews thanked the Commission for hosting the meet and greet scheduled at the September 27<sup>th</sup> meeting. He also thanked the Commission for allowing him to serve as a Texas State University Student Liaison.

### **Development Services Report**

- Update on SmartCode Design Standards.

Sofia Nelson reported that staff will meet with Nore Winters regarding Design Standards on Tuesday, October 18<sup>th</sup> at 1:30-2:30 and 7:00 -8:00 p.m. at the Dunbar Center. She invited the Commission to attend.

- Community Planning Month Activities.

Sofia Nelson reminded the Commission about the Dream San Marcos Booth at the Eco Fest being held on Saturday, October 15<sup>th</sup>. She gave a brief overview of Planning Month activities.

### **Commissioners' Report**

Commissioners Ehlers and Morris stated they attended the American Planning Association Conference. They said that the sessions were very informative.

### **15. Questions and answers from the Press and Public.**

There were no questions from the public.

**16. Adjournment**

Chair Taylor adjourned the Planning and Zoning Commission at 8:37 p.m. on Tuesday, October 11, 2011.

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Bill Taylor, Chair

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Bucky Couch, Vice Chair

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Sherwood Bishop, Commissioner

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Chris Wood, Commissioner

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Kenneth Ehlers, Commissioner

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Carter Morris, Commissioner

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Curtis Seebeck, Commissioner

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Travis Kelsey, Commissioner

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Randy Bryan, Commissioner

ATTES:

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Francis Serna, Recording Secretary

DRAFT





# PC-11-37(01) Concept Plat JR. Keith Addition



## **Applicant Information:**

**Applicant:** Shawn T. Ash  
Ash & Associates  
142 Jackson Lane  
San Marcos, TX 78666

**Property Owner:** James R. Keith Jr.  
4301 Bissonnet Street # 40  
Bellaire, TX 77401-4007

**Notification:** Notification not required

**Type & Name of  
Subdivision:** Concept Plat, JR Keith Addition

## **Subject Property:**

**Traffic / Transportation:** Frontage on existing streets ( Orchard and Yale Street).

**Utility Capacity:** Water, Wastewater, and Electric service will be provided by the City of San Marcos

**Zoning:** The site has a base zoning of Single Family (SF6)

## **Surrounding Zoning and Land use:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	SF-6	Single-family residential
<b>W of Property</b>	SF-6	Single-family residential
<b>S of Property</b>	SF-6	Single-family residential
<b>E of Property</b>	SF-6	Single-family residential

## **Planning Department Analysis:**

The subject property is located in an existing single-family residential subdivision, north of the Texas State University Campus. The proposed concept plan consists of both platted and non-platted property that is zoned SF-6 (Single Family Residential). The subject property fronts on both Yale and Orchard Street. The purpose of a Subdivision Concept Plat shall be to delineate the sequence and timing of development within a proposed subdivision, where the tract to be developed is part of a larger parcel of land owned or controlled by the applicant, in order to determine compliance with the City Master Plan and the availability and capacity of public improvements needed for the subdivision and the larger parcel.

The proposed concept plan consists of two phases of development. Phase 1 proposes the creation of 6 single family residential lots (the applicant is seeking through a final plat to vacate the 4 existing platted lots that are part of the G.A. McNaughton Addition and establish 6 single-family residential lots). Phase 2 establishes a development reserve and is proposed to be developed into single family lots in the future. Any future subdivision of the area identified as development reserve will require an amendment of the concept plan. Therefore the Planning and Zoning Commission will have the opportunity to review Phase 2 prior to its development.

Staff has reviewed the request and is recommending approval of the request for the following reasons:

- The proposed concept plan is consistent with the future land use plan as well as existing zoning.
- The proposed concept plan supports the Horizon's Master Plan goals of single-family development in infill areas.
- The Subdivision Concept Plat conforms to the approved Watershed Protection Plan
- The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plat

<b>Planning Department Recommendation</b>	
<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

The following criteria shall be used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where no Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;
- (2) The plat conforms to the approved Watershed Protection Plan (Phase 1); and
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;
- (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code;
- (5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

**Prepared By:**

Sofia Nelson

Chief Planner

October 21, 2011

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**Name**

**Title**

**Date**



**PC-11-37(01)**

**PC-11-14(03)**

**Yale Street**

**Map Date 10/06/11**



Notification Buffer  
(200 feet)

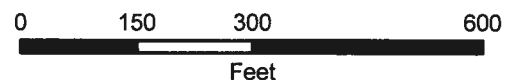


Site Location



Historic District

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for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.



# PC-11-14(03) Final Plat JR Keith Addition- Phase 1



## **Applicant Information:**

**Applicant:** Shawn T. Ash  
Ash & Associates  
142 Jackson Lane  
San Marcos, TX 78666

**Property Owner:** James R. Keith Jr.  
4301 Bissonnet Street # 40  
Bellaire, TX 77401-4007

**Notification:** Notification not required

**Type of Subdivision:** Final Plat Phase1

## **Subject Property:**

**Traffic / Transportation:** The site has frontage on Orchard, Yale and Harvard Streets.

**Utility Capacity:** Water, Wastewater, and Electric service will be provided by the City of San Marcos. Water and Wastewater extensions will be required as part of the development of Phase 1.

**Zoning:** SF-6 (Single Family Residential)

## **Surrounding Zoning and Land use:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	SF-6	Single-family residential
<b>W of Property</b>	SF-6	Single-family residential
<b>S of Property</b>	SF-6	Single-family residential
<b>E of Property</b>	SF-6	Single-family residential

## **Planning Department Analysis:**

The proposed Phase 1 Final Plat is located in an existing single family residential neighborhood. The proposed subdivision establishes 6 single-family residential lots, three of which front on Yale Street and three lots that front on Orchard Street. The purpose of a Final Subdivision Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of the Land Development Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be

recorded, and to assure that the subdivision or development meets all other standards of this Land Development Code to enable initiation of site preparation activities for any lot or tract subject to the plat.

Staff has reviewed the final plat for consistency with all requirements of the Land Development Code and recommends approval of the request as a result of the following findings:

- The Final Subdivision Plat conforms to the provisions of the Concept Plan established for this property.
- The property owner has elected to construct all utility improvements prior to the recordation of the plat.
- The final layout of the plat meets all the standards for adequacy of public facilities contained in Chapter 7 of the Land Development Code.

Planning Department Recommendation	
<b>X</b>	Approve as submitted
	Alternative
	Denial

### **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Preliminary Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

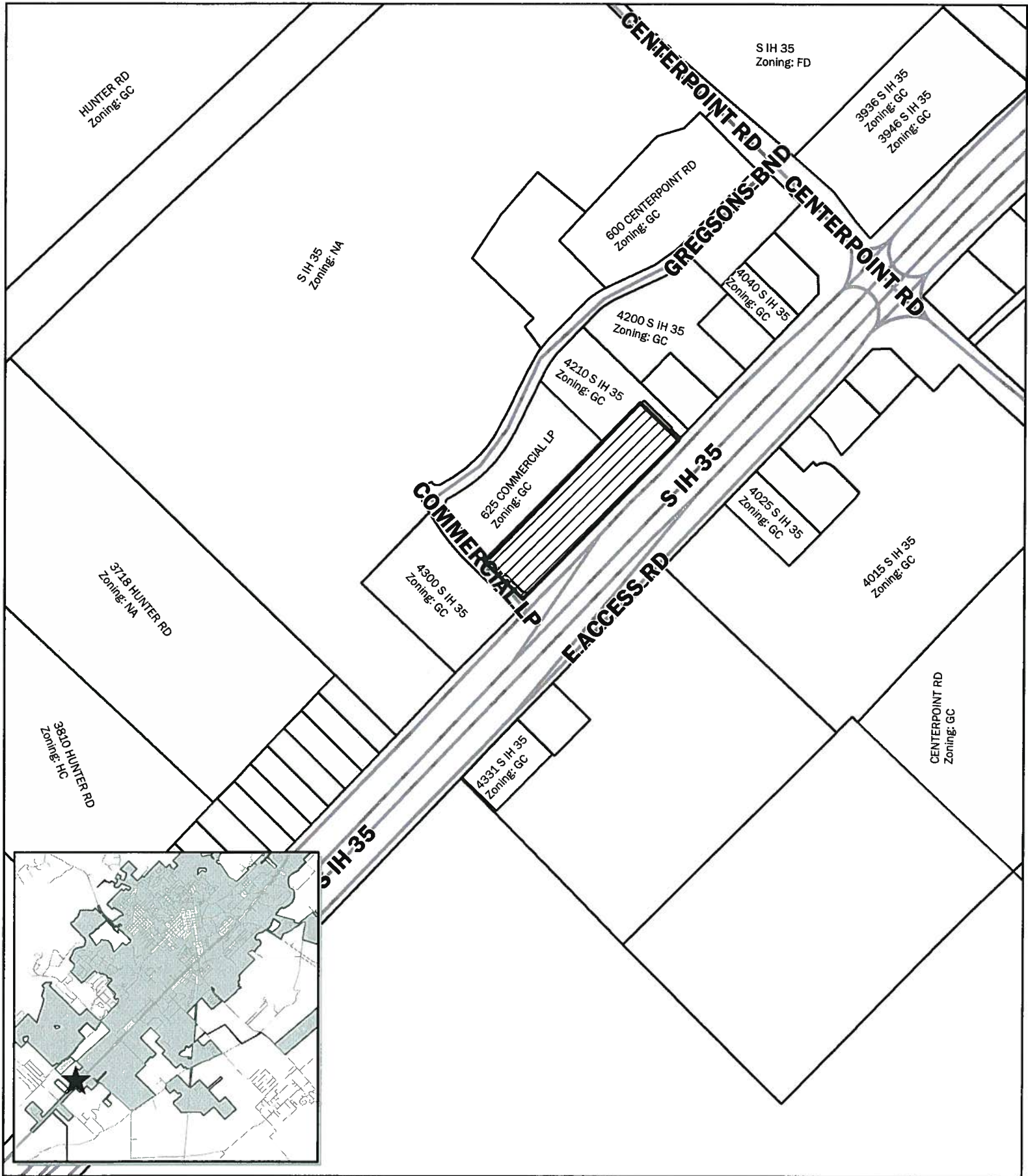
The following criteria shall be used to determine whether the application for a Preliminary Subdivision Plat shall be approved, approved with conditions, or denied, where no Subdivision Concept Plat has been approved for the land subject to the proposed plat:

- (1) The plat is consistent with all zoning requirements for the property, and any approved development agreement;
- (2) The plat conforms to the approved Watershed Protection Plan (Phase 1); and
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;
- (4) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code;
- (5) The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.

### **Prepared By:**

Sofia Nelson	Chief Planner	October 21, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>





**PC-11-38(03)**  
**Final Plat Lowman Ranch**  
**Lots 6 and 7**  
**Map Date: 10/19/11**

 Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0 235 470 940  
Feet

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# PC-11-38(03) Final Plat Lowman Ranch



## **Applicant Information:**

### **Applicant:**

Stephen G. Cook Engineering, Inc  
12000 Starcrest, Ste. 107  
San Antonio, TX 78247

### **Property Owner:**

Outlet West Investors, Ltd  
C/O Towery and Assoc.  
3518 Travis St STE #200  
Houston TX, 77002

### **Notification:**

Notification not required

### **Type & Name of Subdivision:**

Final Plat, Lot 6 and 7 Lowman Ranch

## **Subject Property:**

### **Summary:**

The subject property is located in southern San Marcos at the southwest corner of the intersection of Commercial Loop and IH 35.

### **Traffic / Transportation:**

The proposed plat shows that all adjacent streets have adequate right-of-way. The developer will construct a sidewalk along IH 35 and Commercial Loop within a 10' Access easement that has been provided on the plat. Access to Lot 6 will be provided from Commercial Loop and through a 40' access easement through Lot 7 to Interstate Highway 35.

### **Utility Capacity:**

The City of San Marcos will provide water, and wastewater, and PEC will provide electric service to the site. The Public Improvement Construction Plans have been submitted and are approved.

### **Zoning:**

The site has a base zoning of General Commercial (GC)

### **Surrounding Zoning and Land use:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	GC	Commercial/ Retail
<b>W of Property</b>	GC	Commercial/ Hotel
<b>S of Property</b>	GC	Commercial
<b>E of Property</b>	GC	Commercial/ Outlet Malls

## **Project Timeline**

February 2007 – P&Z approves the Concept Plat for the Lowman Ranch Subdivision establishing the subject lots as part of Phase 1-B.

July 2006 – Approval of Watershed Protection Plan Phase I.

January 2011 – Approval of Watershed Protection Plan Phase II.

August 2011- Approval of Public Improvement Construction Plans to bring Utility Services to Lots 6 and 7.

## **Planning Department Analysis:**

The final plat of Lowman Ranch Lots 6 and 7 is a final plat of two properties out of the approved concept plat for the Lowman Ranch Subdivision. The Lowman Ranch development utilizes regional detention and water quality for the development. Along with the regional detention and water quality measures the Lowman Ranch Development also channelizes a portion of the Cottonwood Creek floodplain in order to reclaim floodplain land for development.

The applicants are proposing to extend Water and Wastewater utility infrastructure to the site in order to accommodate a hotel. This plat has been reviewed for consistency with existing City Ordinances and policies as a result staff is recommending **approval** of the plat as submitted.

<b>Planning Department Recommendation</b>	
<b>x</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

## **The Commission's Responsibility:**

The Commission is charged with making the final decision regarding this proposed Final Development Plat. The City charter delegates all subdivision platting authority to the Planning and Zoning Commission. The Commission's decision on platting matters is final and may not be appealed to the City Council. Your options are to approve, disapprove, or to statutorily deny (an action that keeps the applicant "in process") the plat.

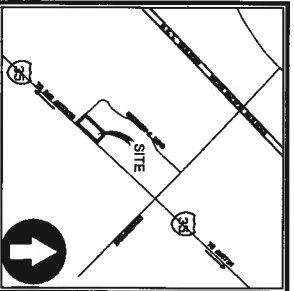
## **Prepared By:**

Abigail Gillfillan	Planner	October 20, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>

## PLAT 1.D. PRELIM

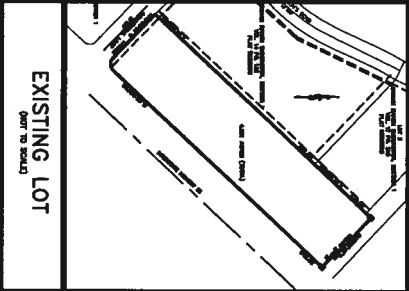
SURVEYORS NOTES

1. ACCORDING TO SCALING FROM THE F.E.M.A. FLOOD INSURANCE RATE MAP NO. 442000064707, DATED 8/2/05, THIS TRACT IS WITHIN X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN).



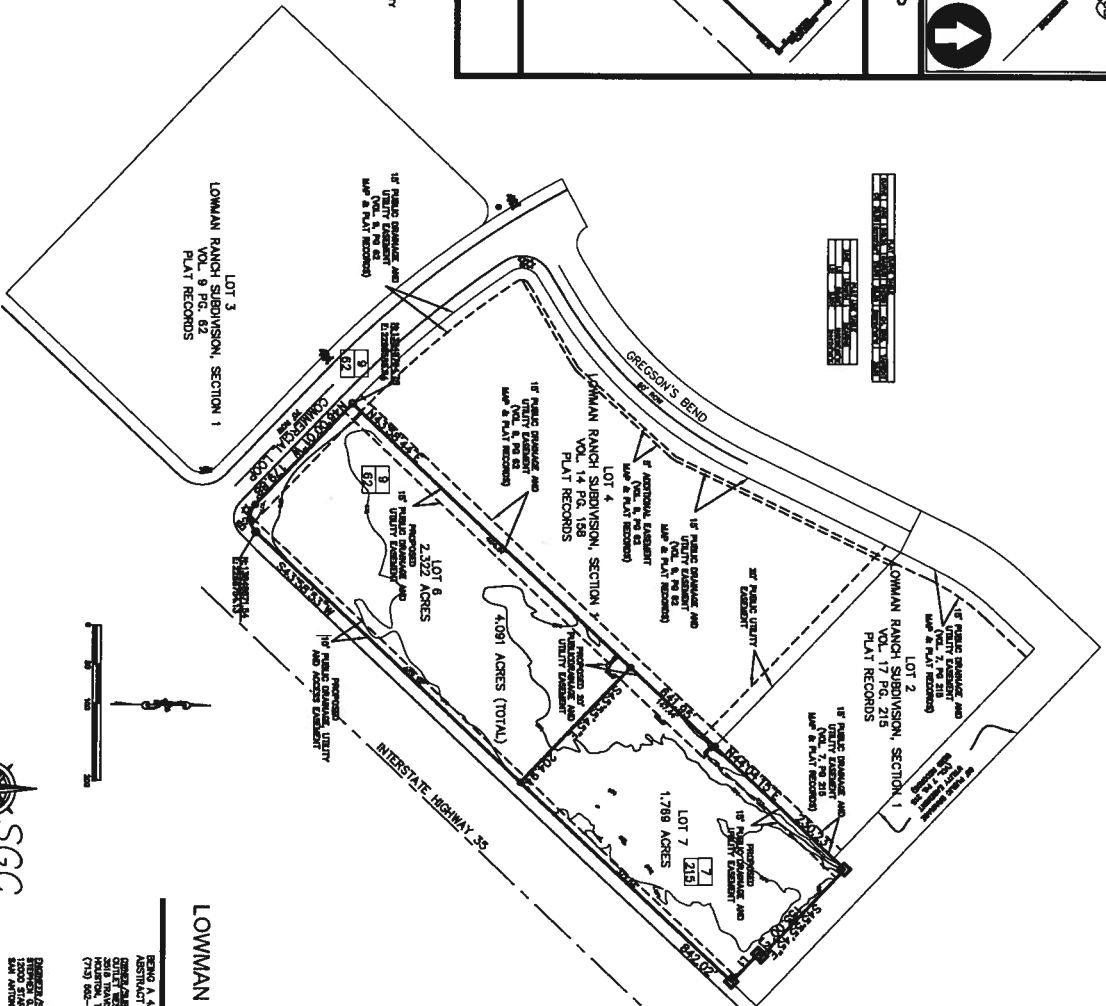
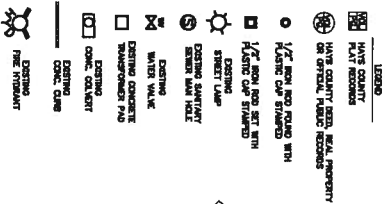
## LOCATION MAP

**DO NOT RECALL**



**EXISTING LOT**

**(DO NOT RE-SCALE)**



**FINAL PLAT**  
**LOWMAN RANCH SUBDIVISION, SECTION ONE**  
**SAN MARCOS, TEXAS**

BEING A 4.091 ACRES OUT OF THE EDWARD BURELSON SURVEY NO. 18,  
ABSTRACT NO. 83 CITY OF SAN MARCOS HAYS COUNTY TEXAS

OWNER/LESSEES:  
OUTLET WEST INVESTORS, LTD. c/o TOWERY ASSOCIATES  
2514 TRAVIS STREET, SUITE 200  
HOUSTON, TEXAS 77005

2015 IRONWORKS STREET, SUITE 200  
HOUSTON, TX 77002  
(713) 662-1110

**DONOR/DONATIONS**

SHIMADA & COOK ENGINEERING  
12000 STARGREST, SUITE 107  
SAN ANTONIO, TX 78247

**DATE: FEBRUARY 1, 2011**

**STEPHEN & COOK ENGINEERING, INC.**  
**REGISTERED LAND SURVEYORS**

12000 STARCREST, SUITE 107  
SAN ANTONIO, TEXAS 78247-4117  
210/481-2533 • FAX: 210/481-2150

STATE OF TEXAS  
COUNTY OF HAYS

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS MAP, AND  
HEREIN MADE IS DISBURSED OF ALL DUTY TO REDEEM SAVING SUCH  
PROPERTY AND REDUCE TO THE USE OF THE PUBLIC LAND OFFICE,  
THE LAND SHOWN ON THIS MAP, TO THE PUBLIC LAND OFFICE,  
PLACES THEREON SHOW FOR THE PURPOSE OF CONSIDERATION  
HEREIN EXPRESSED.

WITNESSE MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ROBERT C. WILSON, JR. PRESIDENT OF  
THE HAYS COUNTY LAND AND WATER BOARD  
OF OUTLET, HAYS INTERSECTION, ILL.

1. COUNTY CLERK OF HAYS, TEXAS  
 CERTIFY THAT THIS PLAY WAS FILED FOR RECORD IN MY OFFICE  
 ON 20 20 AT 10:00 A.M.  
 AND RECORDED ON 20 20 AT 10:00 A.M.  
21 IN THE PLAY RECORDS OF HAYS COUNTY, TEXAS IN BOOK  
1 AT PAGE 1

APPROVED FINAL PLAN BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SAN MARCOS.

**FRANCIS SERVA,**  
RECORDING SECRETARY

APPROVED \_\_\_\_\_

MATTHEW LEWIS, ONI-A  
DIRECTOR, DETACHMENT SERVICES

DATE \_\_\_\_\_

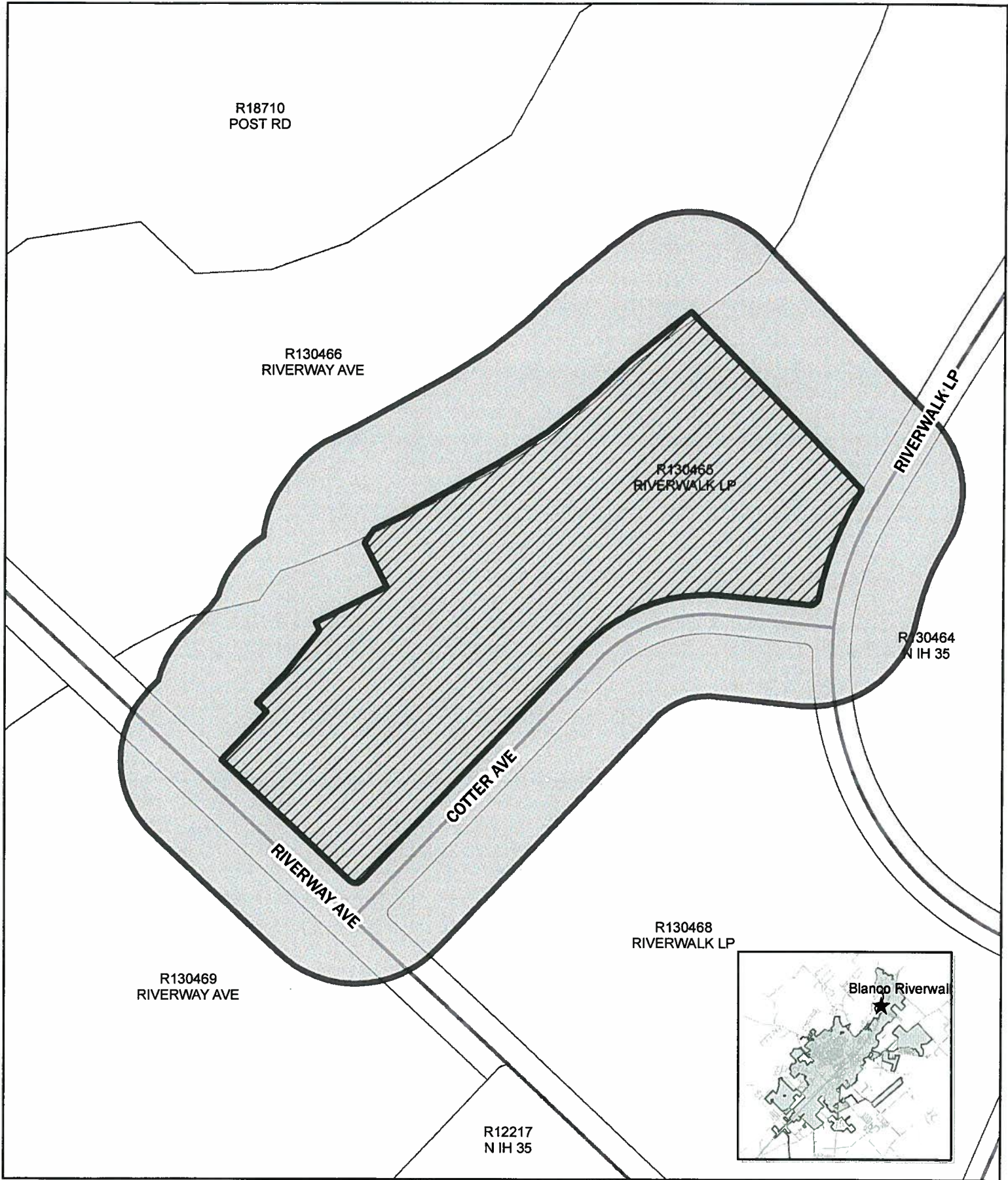
1. THE UNDERSIGNED, A NOTORIZED PUBLIC SHERIFF IN THE STATE, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY ON THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED BY SUPERVISION ON THE GROUND AND THAT THE UNDER MY SUPERVISION.

**REGISTERED PROFESSIONAL LAND SURVEYOR  
STEPHEN A. DODD, R.P.L.S., No. 5283**






W:\Engineering\Drawings\MICROTEL PROJECTS\SAN MARCOS MICROTEL\PLAT.dwg 10/18/2011 10:18:38 AM CDT






**LUA-11-15**  
**Blanco Riverwalk**  
**Map Date: 10/18/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

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Feet

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# Land Use Map Amendment LUA-11-15 Blanco Riverwalk



## **Summary:**

The applicant is requesting a Land use Map Amendment from Mixed Use (MU) to High Density Residential (HDR)

**Applicant:**

Mike Cotter, Agent  
PO BOX 7856  
The Woodlands, TX 77387

**Property Owner:**

Vista Del Blanco, LTD  
PO BOX 7856  
The Woodlands, TX 77387

**Notification:**

Personal notice sent and signs posted on September 16, 2011

**Response:**

None as of date of report publication.

## **Subject Property:**

**Location:**

**Legal Description:**

13.0 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision

**Sector:**

Sector 7

**Current Zoning:**

Mixed Use (MU)

**Proposed Zoning:**

Multifamily (MF-24) with a Planned Development District overlay

**Current Future Land  
Use Map Designation:**

Mixed Use (MU)

**Proposed Future Land  
Use Map Designation:**

High Density Residential (HDR)

**Surrounding Area:**

	Current Zoning	Existing Land Use
N of Property	MU	Vacant
S of Property	CC	Vacant
E of Property	CC	Vacant
W of Property	P	Open Space

## **Case Summary**

The subject property is located in northern San Marcos, west of IH 35 and east of the Blanco River. It is 13 acres out of the approximately 240-acre Blanco Riverwalk subdivision, bounded by Cotter Avenue, Riverway Avenue, Riverwalk Loop, and the Blanco River. This request is proceeding concurrently with a zoning change request from Mixed Use (MU) to Multifamily (MF-24) and a Planned Development District (PDD) overlay. The applicant is proposing to develop the site with multifamily residential in hopes that the development will be a catalyst for the rest of the site to develop.

## **History of Blanco Riverwalk**

December 2002 – Annexation of Blanco Riverwalk. The Future Land Use of the 13-acre subject tract is Commercial and it is unzoned.

February 2005 – Initial zoning is established following annexation for all tracts. The 13-acre subject tract is zoned Community Commercial, which is consistent with its Future Land Use designation (Commercial).

June 2006 – A Planned Development District (PDD) overlay is approved, along with several Future Land Use Map Amendments and base Zoning Changes. The base zoning of the 13-acre subject tract is changed to Mixed Use following a Future Land Use Map Amendment to Mixed Use.

October 2007 – The PDD is repealed at the request of the applicant, reinstating the base zoning standards. The 13-acre tract remains Mixed Use.

April 2008 – The Public Improvement Construction Plans are accepted

June 2008 – The final plat is recorded

June 2011 – A Land Use Map Amendment and zoning change are proposed for the 13-acre tract. Staff suggests the applicant select one of three alternatives to straight zoning-

- that the mixed-use standards be reviewed, specifically density, setbacks, and impervious cover, and that the applicant maintain the Mixed Use designation through this process
- that the applicant pursue a Planned Development District
- that the applicant pursue SmartCode designation for the subdivision

The applicant chooses to pursue a PDD for the 13-acre tract. P&Z postpones action on the requests.

The Zoning and Future Land Use designation of this and other tracts within Blanco Riverwalk has changed numerous times since annexation. There is no High Density Residential element within Blanco Riverwalk currently, but there has been at times in the past on various tracts.

## **Planning Department Analysis:**

High Density Residential (HDR) land uses are typically characterized by apartments and condominiums. The site is located adjacent to the Blanco River and the rest of the Blanco Riverwalk subdivision, which is undeveloped except for the public improvements. The Future Land Use Map designates the surrounding properties as Commercial and Mixed Use, with Open Space to the west.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 7 Plan.



Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p><b>Policy LU-2.5:</b> The City shall protect the integrity of the Edwards Aquifer, San Marcos and Blanco Rivers, and the other natural resources in and around San Marcos.</p> <p><i>Comment: The PDD limits impervious cover to 60%, the same as is currently allowed. The plat contains a note that requires that Low Impact Development methods for stormwater control be utilized, and the PDD further outlines these.</i></p>
X			<p><b>Policy LU-1.21:</b> The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property, and the proposed apartments would occupy a lot that is currently vacant.</i></p>
X			<p><b>Policy LU-3.2:</b> The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i></p>
X			<p><b>Policy LU-3.3:</b> The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>
X			<p><b>Policy LU-3.14:</b> The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: The location on the Blanco River provides for adequate amenities. Approximately 60 acres along the Blanco River were dedicated to the City with the final plat, which is adequate to serve the subject property. See discussion regarding multifamily in Sector 7 below.</i></p>
X			<p><b>Policy LU-4.1:</b> The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>Comment: Zoning in the area is predominately commercial except for a 36 acre mixed use tract. 13 acres of this tract comprise the subject property in this case. The nearest residential west of IH 35 in this area is located in Blanco Vista.</i></p>
		X	<p><b>Policy LU-4.2:</b> The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: There are currently no retail or workplace destinations nearby, but the zoning and utilities are in place for them to be developed.</i></p>
X			<p><b>Policy LU-4.3:</b> The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: The property has adequate access to IH 35</i></p>
X			<p><b>Policy LU-4.4:</b> The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p><b>Policy LU-6.8:</b> The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed-use concept.</p> <p><i>Comment: The concept for Blanco Riverwalk, though it has changed several times since its annexation, has always been for a mixed use development, but Mixed Use allows a maximum residential density of only 5.5 units per acre, which is not dense enough to support true mixed-use development.</i></p>

Sector 7, which is approximately 9.6% of the city limits by area, consists of 7.1% High or Medium Density Residential. This is less than the city-wide average of 10%. Also, High or Medium Density Residential is currently concentrated in the far north and south of the sector, and this request is located in the center of the sector. From a use perspective, the request is reasonable and will not greatly change the character of the sector.

	Percent of City Limits
Sector 7	9.6%
MDR and HDR City-wide	10.0%

Percent of Sector 7 that is HDR or MDR currently	7.1%
Percent of Sector 7 that is HDR or MDR after this request	7.7%

The Sector 7 Plan contains goals such as walkable neighborhoods, high-quality attractive development along IH 35, interconnected streets, and enhanced visual character. From a land-use perspective, High Density Residential is consistent with these goals, particularly with the development standards outlined in the PDD.

Staff makes the following findings:

- Medium and High Density Residential uses have been identified at various times and locations in the Blanco Riverwalk subdivision since 2002.
- The density allowed in the current Mixed Use zoning district is equivalent to Low Density Residential, not sufficient for a large-scale mixed-use project
- There is currently no Medium or High Density Residential element to Blanco Riverwalk or in central Sector 7 altogether
- The request is consistent with the Sector 7 goals based on the PDD standards
- The subject property is generally consistent with policies recommended in the Horizons Master Plan for High Density Residential areas, except that although there are a variety of uses allowed in the area, none are currently developed

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector 7 Plan, and with the standards proposed in the PDD can act as a catalyst for other development in the area while protecting the Blanco River.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative – Public Hearing only
<input type="checkbox"/>		Denial

### **The Commission's Responsibility:**

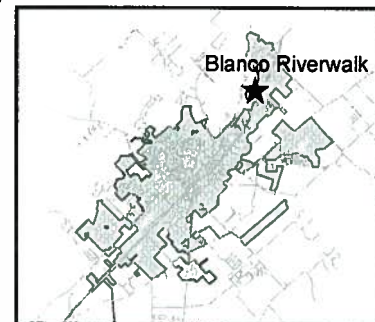
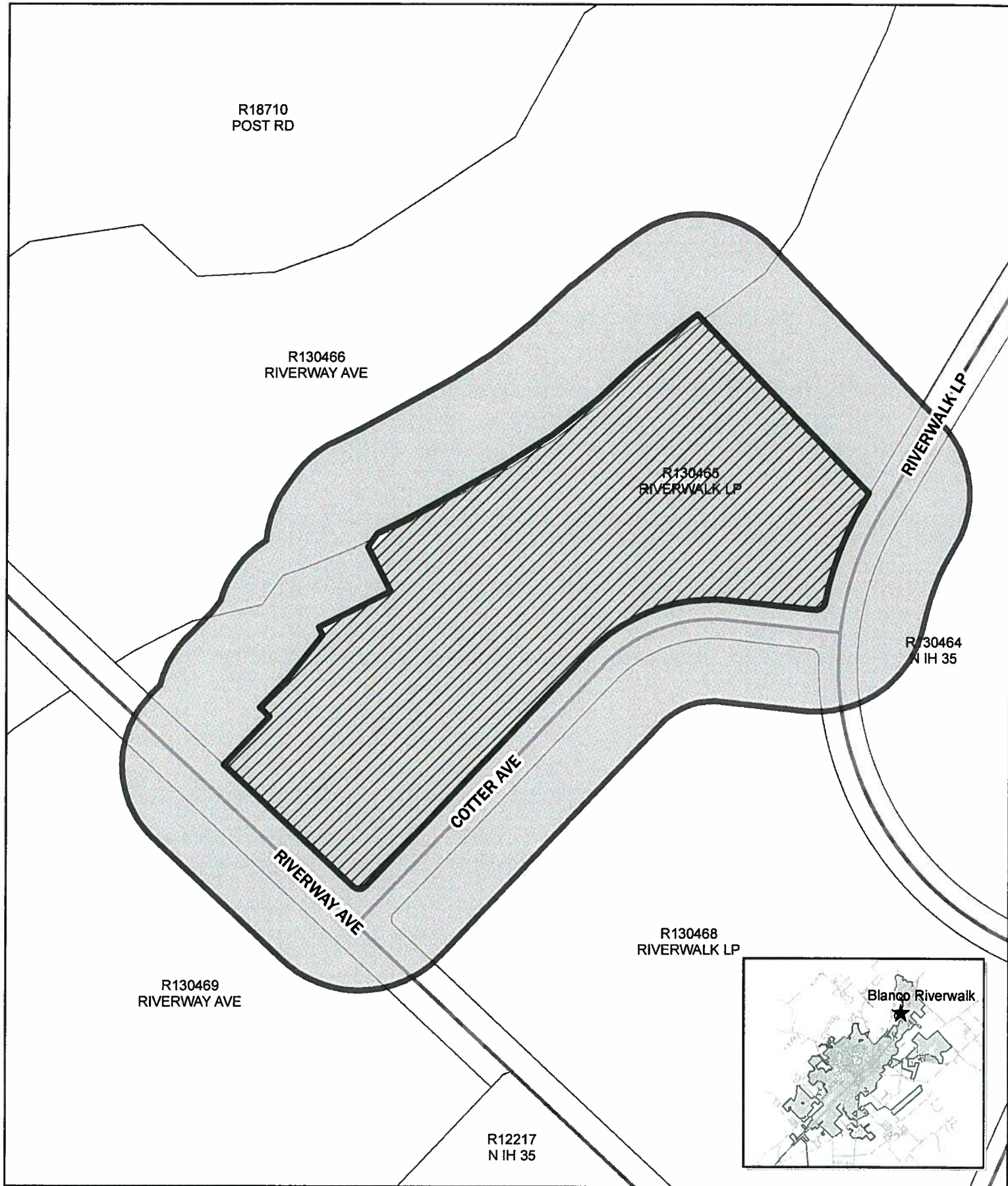
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

John Foreman	Planner	October 17, 2011
Name	Title	Date



**PDD-11-08**

**ZC-11-19**

**Blanco Riverwalk**

**Map Date: 10/18/11**



Notification Buffer  
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# PDD-11-08/ ZC-11-19

## Blanco Riverwalk



### **Summary:**

**Applicant:** Vista Del Blanco, LTD  
Mike Cotter, Agent  
PO BOX 7856  
The Woodlands, TX 77387

**Property Owner:** Vista Del Blanco, LTD  
PO BOX 7856  
The Woodlands, TX 77387

### **Subject Property:**

**Legal Description:** 13.0 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision(west of IH-35, east of Post Road, and north of the Blanco River)  
**Location:** Intersection of Riverway Avenue and Cottter Avenue

**Existing Use of Property:** Undeveloped

**Existing Zoning:** Mixed Use (MU)

**Proposed Use of Property:** Multifamily at this site, mixed use overall

**Proposed Zoning:** PDD overlay with a Multifamily (MF-24) base zoning

**Current Future Land Use**

**Map Designation:** Mixed Use (MU)

**Proposed Future Land Use**

**Map Designation:** High Density Residential (HDR)

**Sector:** Sector 7

**Frontage On:** Riverway Avenue and Cotter Avenue

**Utilities:** City of San Marcos

**Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	MU	vacant
<b>S of Property</b>	CC	vacant
<b>E of Property</b>	CC	Vacant
<b>W of Property</b>	P	Open Space

### **Updates for October 25, 2011 Planning & Zoning Commission Meeting**

The applicant has submitted a revised site plan and metes and bounds description for this project. The revisions have removed all construction entirely from the floodway, and small portions of the parking lot and one building are within the floodplain. Construction within the floodplain is permitted, provided the finished floor elevation is at least one foot above the base flood elevation. The site itself has been reconfigured slightly to provide additional buildable area, but is still 13.0 acres. The southwest portion of the site, adjacent to Riverway Avenue has been removed and a corresponding section added at the northwest corner. Because the site's acreage has not changed, no additional notice was required. The PDD document also contains language that prohibits construction of any impervious surface in the floodway.



## **Project overview**

Blanco Riverwalk was conceived as a master-planned, multiuse development in 2005. Since then, numerous applications have been filed, but to date the only development to occur on the site has been the installation of infrastructure, including roads. This portion of the development is 13 acres out of the total 239.396 acres, and is planned as a multifamily development with one and two-bedroom units. Because of the site's proximity to the Blanco River, several Low Impact Development (LID) elements are planned for the site. For a detailed history of the site, please refer to the Land Use Amendment staff report, for LUA-11-15.

### **Density**

- The applicant is requesting a density of 24 units an acre, which complies with the requested base zoning of Multifamily (MF-24).

### **Site Improvements**

- Roads already exist at the site, and all utilities are in place. Roads at the site have ribbon curbs. All utilities were installed and accepted in 2008.

### **Environmental and Water Quality**

- Part of the site lies within the floodway of the Blanco River, and a slightly larger portion lies within the floodplain. The site plan submitted September 19, 2011, indicates two buildings within the floodplain. A Letter of Map Revision (LOMR) was approved by FEMA in May 2008, which redrew the floodplain and floodway lines, moving them closer to the Blanco River and creating more buildable area. The placement of the buildings in relation to the redrawn floodway lines was not discovered until after the site plan had been submitted, and a revised site plan will be submitted prior to the next Planning & Zoning Commission hearing. Additionally, the applicant has included in the PDD language a commitment that the two buildings will either be moved out of the floodway or removed from the site entirely. All parking and drive aisles in the floodplain will be built with pervious materials such as pavers or pervious concrete.
- The Blanco Riverwalk site was one of the first sites in the City of San Marcos to include LID practices in its original design. Due to advances in both knowledge and technology, some changes to the site and different best management practices are being proposed, primarily with the grassy swales along Cotter Avenue and Riverway Avenue. These were originally envisioned as wide, shallow swales but in order to bring the buildings closer to the street edge, the developer has proposed narrowing and enclosing the swales. The culverts will be sized to accommodate 100-year floods. While the box culverts are not considered Low Impact Development practices, the site will incorporate LID practices on parking islands, rain gardens, parking lot bump-outs, and over the culverts. The PDD requires achieving an 85% Total Suspended Solids (TSS) removal efficiency for the site.

### **Parking**

- The applicant is proposing a ratio of 1.05 parking spaces per bedroom, which meets the standards in the Local Development Code. The site has occupancy restrictions imposed as part of the original covenants, limiting occupancy to no more than two unrelated persons. This is expected to further reduce parking demand.

## **Parks Advisory Board Recommendation**

As part of the final plat in 2008, 50.911 acres along the Blanco River were dedicated as parkland. This satisfies parkland dedication for the entire 239-acre site. The subject site will have access to the parkland, which abuts the site to the west.

## **ZC-11-19**

The subject property is approximately 13 acres and is currently zoned Mixed Use (MU). As the entire site is proposed to be developed as multifamily, the applicant is requesting to rezone to Multifamily (MF-24). This does not affect the remainder of the Blanco Riverwalk site, which will remain Mixed Use.

### **Planning Department Analysis:**

Section 1.5.3.5 of the Land Development Code provides for the creation of a PDD, with criteria of approval. These are further detailed at the end of this report.

When the rezone and land use amendment requests were initially submitted earlier this year, staff expressed concerns that a straight rezone and land use map amendment would negatively impact the overall pattern of development of the Blanco Riverwalk site, and recommended filing a PDD. The applicant requested postponing the requests, and has filed PDD-11-08. The base zoning and land use map amendment requests remain. The addition of the PDD includes higher development standards that meet the intent of the Sector Plan goals, as well as implementing increased design standards. As Blanco Riverwalk has remained largely undeveloped since its final plat was recorded, the developer is hoping the subject site will serve as a catalyst for development. Adjacent uses include auto sales, and the dedicated parkland along the river.

Because this site will likely serve as a catalyst for development of the rest of the site, the PDD request is appropriate and will help set standards and expectations for the remainder of Blanco Riverwalk. Additionally, since the subject site will be developed only as multifamily, the base zoning change request is appropriate. As the rest of the site develops, staff will review each submitted case to ensure an integration of uses and conformance with the intent of the original concept plan.

### **Conformance with Sector and Master Plan Goals**

Staff has evaluated the request for consistency with the following Sector 7 plan goals and criteria for outlined in the Land Development Code for approval of zoning changes:

- ☐ Walkable, pedestrian friendly streets;
  - *Sidewalks are in place or will be installed as part of the construction of the site*
- ☐ Safe-well connected bicycling routes on all major streets to connect neighborhoods with desirable destinations.
  - *Bike lanes are already delineated on the existing roadways, and bicycle parking will be provided onsite for residents and visitors*
- ☐ Context-sensitive street design giving equal value to vehicular movement, pedestrian and cyclist safety;
- ☐ "Neighborhood friendly" development mitigating negative impacts of higher intensity uses.
  - *Higher-density residential development is a necessary component of mixed-use sites. Additionally, the site proposed for multifamily is located on the site farthest from IH-35, mitigating any noise from the interstate. Sidewalks and bike lanes will provide access to the rest of the site as it develops*
- ☐ Preserved and enhanced visual character through a variety of design requirements.
  - *The additional requirements in the PDD will set the bar for future development of the site, while ensuring protection of the Blanco River.*

### **Summary of staff findings**

- While multi-family development is an essential component of any mixed use development, the development standards applicable to the multi-family development is what will determine the overall success and viability of a mixed use development. Due to the multi-family development standards currently in place the proposed standards applicable to the multi-family zoning designation do not support the viability of mixed use zoned property in the immediate area. The PDD's additional standards will help set the expectations of development for the rest of the site.
- The PDD will help ensure protection of the Blanco River through the use of best management practices, low-impact development, and building siting



- The request for reduced parking is offset by the proposed one and two-bedroom units and the occupancy restriction
- Access within the subject site, and the site as a whole, will be facilitated by sidewalks and bike lanes, many of which are already built.

Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.3.5 of the Land Development Code establishes the following criteria for approval:

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 4.2.6.1 warranting a PD district classification.
  - (2) The extent to which the proposed PD district furthers the policies of the Master Plan generally, and for the sector in which the proposed PD district is located.
  - (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
  - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
  - (5) The extent to which the PD district is generally consistent with the criteria for approval of a watershed plan for land within the district.
  - (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
  - (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans; and
  - (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) *Conditions.* The Planning and Zoning Commission may recommend and the Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented.

**Prepared by:**

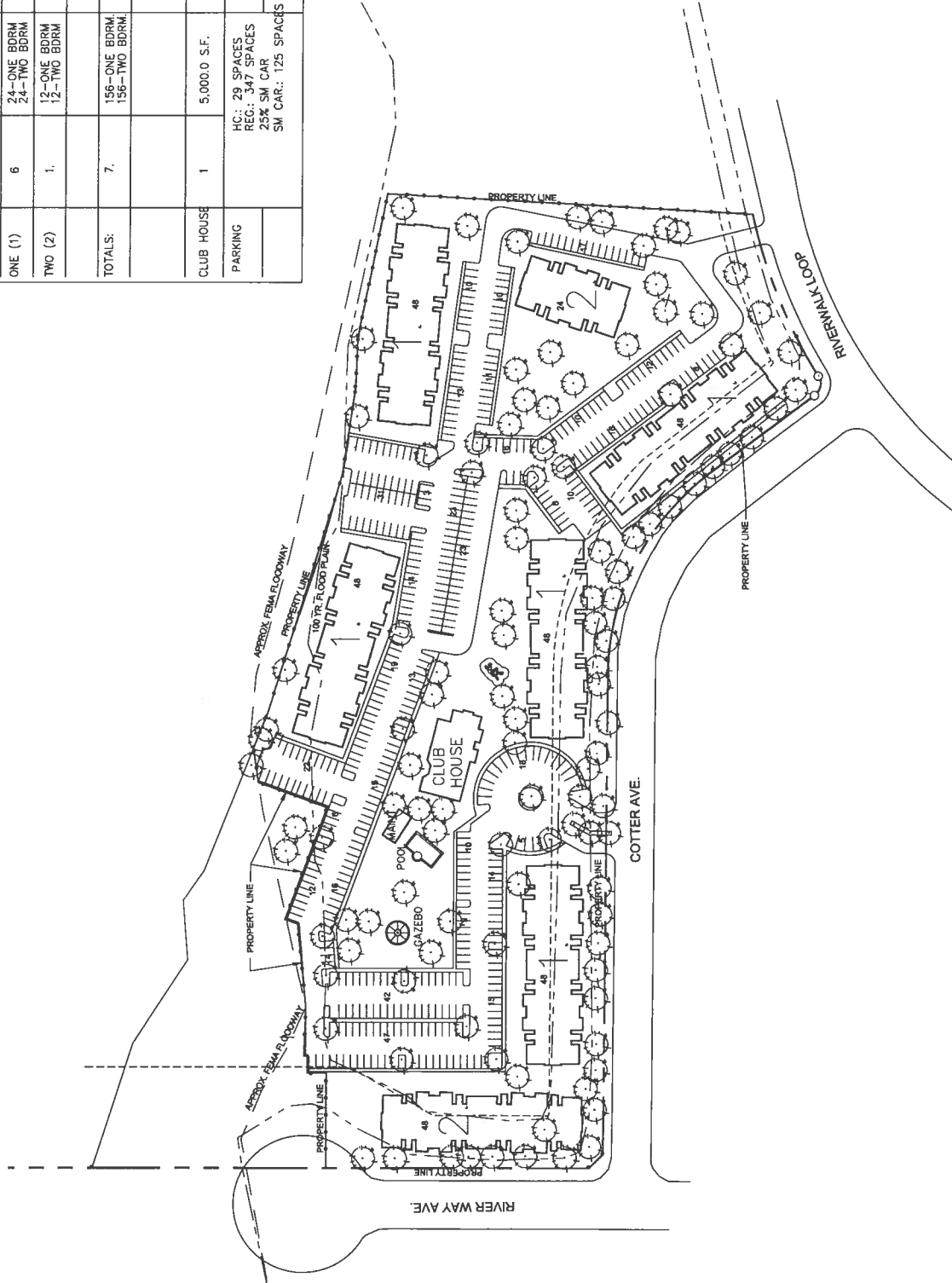
Christine Barton-Holmes, LEED AP      Chief Planner

October 17, 2011

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<b>Name</b>	<b>Title</b>	<b>Date</b>
-------------	--------------	-------------

RESIDENTIAL MIX :				
BLDG. TYPE	NO. OF BLDGS	UNIT TYPE/BLDG	TOTAL UNITS	BLDG
ONE (1)	6	24-ONE BDRM 24-TWO BDRM	288	3 STORY
TWO (2)	1	12-ONE BDRM 12-TWO BDRM	24	3 STORY
TOTALS:	7	156-ONE BDRM 156-TWO BDRM	312	
CLUB HOUSE	1	5,000.0 S.F.		
PARKING		HC: 29 SPACES REG: 347 SPACES 25% SM CAR SM CAR: 125 SPACES 501 TOTAL		



PRELIMINARY SITE PLAN

BLANCO RIVERWALK APARTMENTS

OCTOBER, 2011

SAN MARCOS, TEXAS



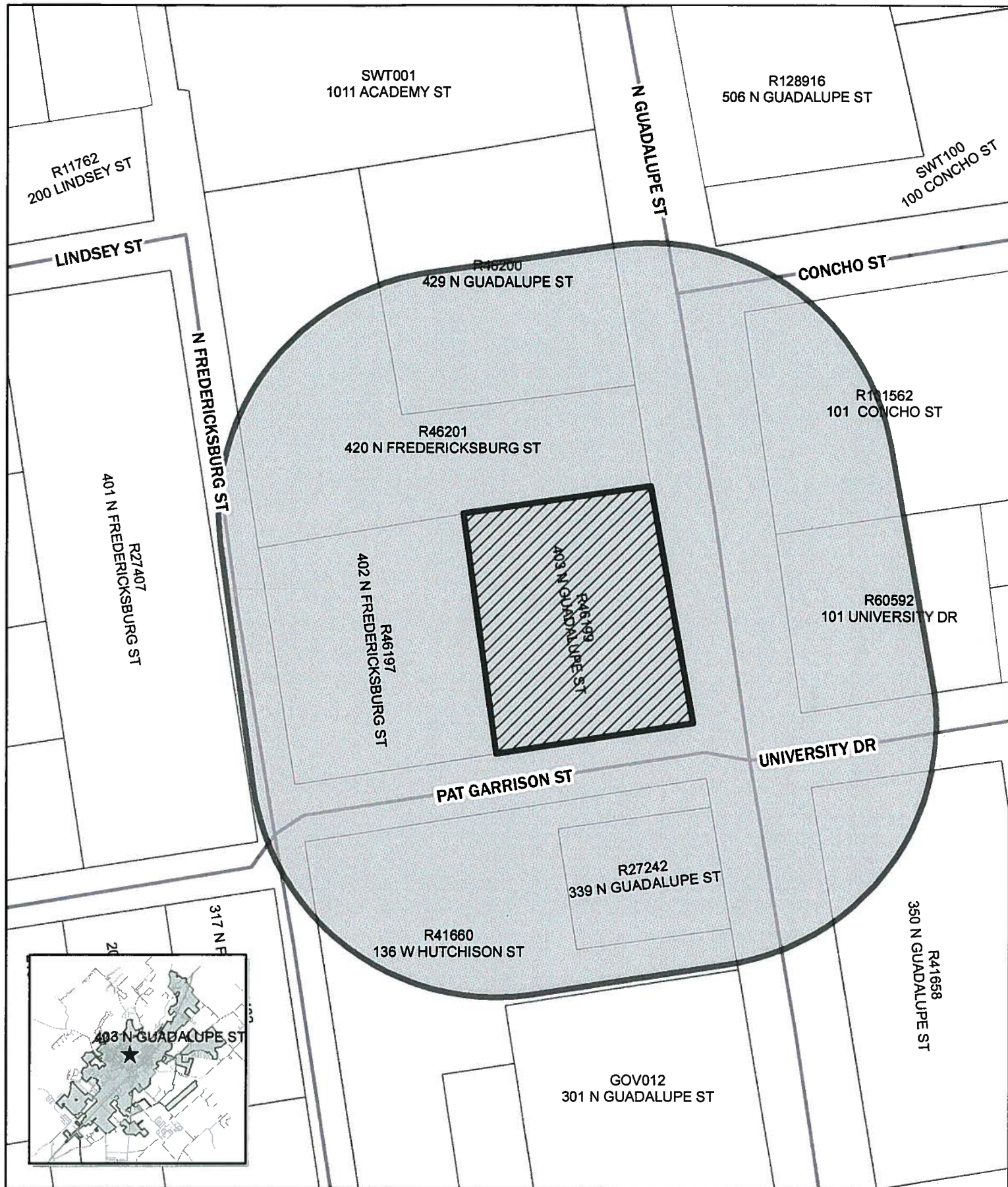
## ELEVATION

BLANCO RIVERWALK APARTMENTS  
SAN MARCOS, TEXAS

AUGUST 2011

 **ASSOCIATES**  
**ARCHITECTS**  
6800 PARK TEN BLVD. SUITE 204 N.  
SAN ANTONIO, TEXAS 78253  
TEL: (210) 734-4885 FAX: (210) 734-7504





**CUP-11-16**

**Gumby Pizza and Wings •**

**403-A N. Guadalupe**

**Map Date: 10/02/11**



Notification Buffer  
(200 feet)

Site Location

Historic District

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.

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Feet



# **CUP-11-16**

## **Conditional Use Permit**

### **Gumby's Pizza and Wings**

#### **403-A n. Guadalupe St**



#### **Applicant Information:**

**Applicant:** Gumby's of San Marcos  
John Higdon

**Mailing Address:** 403-A N. Guadalupe St  
San Marcos TX 78666

**Property Owner:** Southland Corp.  
PO Box 711  
Dallas TX 75221

**Applicant Request:** A Conditional Use Permit (CUP) to allow the sale and on-premise consumption of beer and wine at Gumby's Pizza and Wings located at 403-A N. Guadalupe St in San Marcos.

**Public Hearing Notice:** Public hearing notification was mailed on October 14, 2011

#### **Subject Property:**

**Location:** 403-A N. Guadalupe St

**Legal Description:** University Plaza Section 1 Lot 1

**Frontage On:** N. Guadalupe St

**Existing Zoning:** T5 San Marcos SmartCode

**Utilities:** Adequate

**Existing Use of Property:** Bar/Restaurant

**Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of property</b>	<b>P – Public</b>	<b>University</b>
<b>S of property</b>	<b>T5</b>	<b>Gas Station</b>
<b>E of property</b>	<b>T5</b>	<b>Restaurant</b>
<b>W of property</b>	<b>T5</b>	<b>Multi-Family Residential</b>

#### **Code Requirements:**

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining

uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

### **Case Summary**

The subject property is located on N. Guadalupe St. just north of the established Downtown Business District. This site is located within the downtown smartcode region just outside of the established central business area. The SmartCode zoning district refers directly to the LDC for the provision of liquor serving establishments anywhere within this district. The restaurant has been established for over a year and is now adding tables and chairs in order to accommodate indoor dining in addition to take-out.

The restaurant has the capacity for 42 indoor fixed seats with no outdoor dining. The application indicates hours of operation from 10 a.m. to 3:30 p.m. and live music is not proposed at this time. The applicant is not proposing any other improvements to the structure at this time

### **Planning Department Analysis:**

The subject property is surrounded by commercial uses and is an established restaurant. A Conditional Use Permit for alcohol sales is compatible with the surrounding uses. Staff has not received any citizen comments or comments from other departments.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

**Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:**

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

### **Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department



within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.





**Prepared by:**  
Abigail Gillfillan

Planner  
**Title**

October 18, 2011  
**Date**



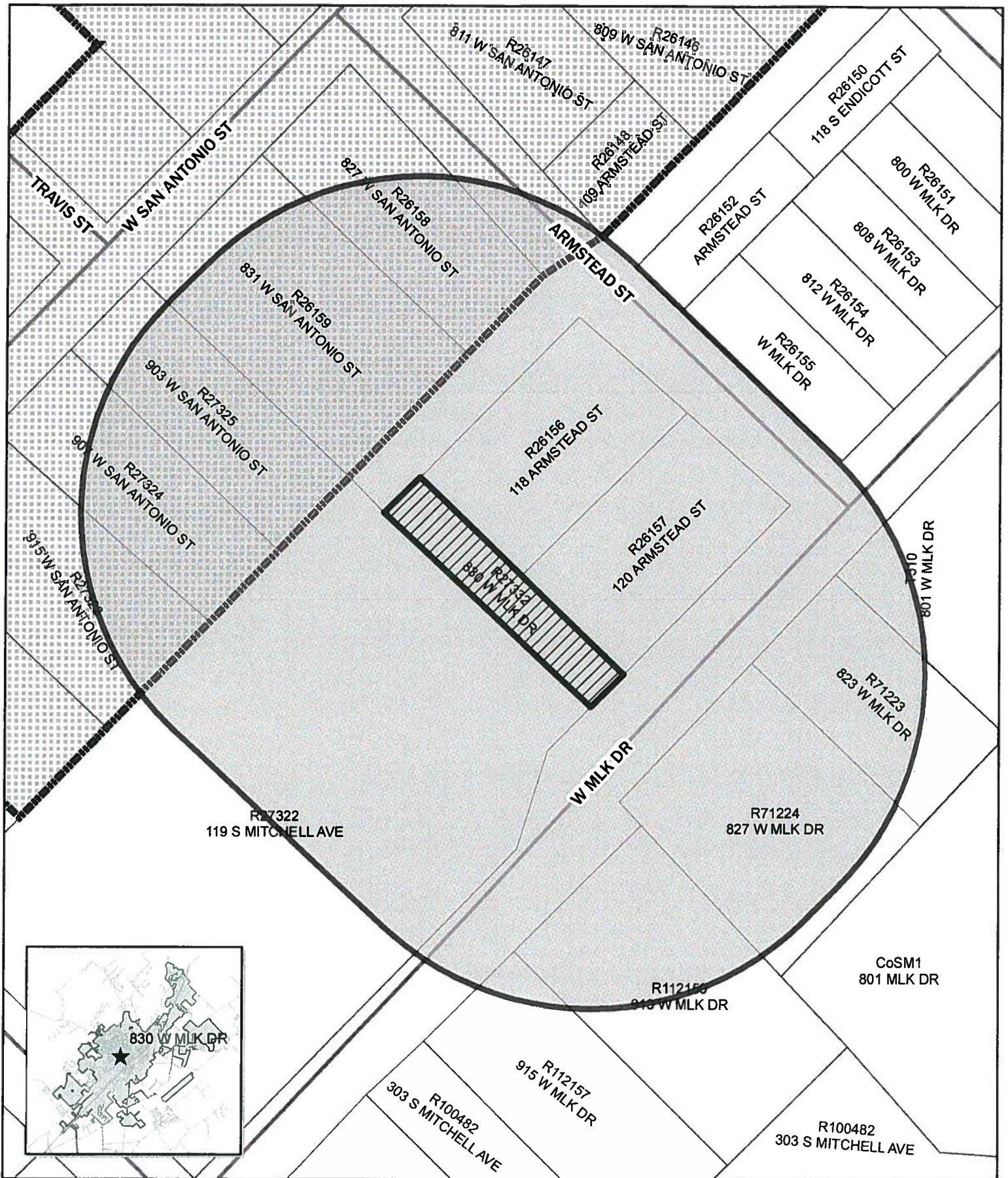
**CUP-11-16 - Zoning Map**  
**Gumby Pizza and Wings •**  
**403-A N. Guadalupe**  
**Map Date: 10/02/11**

-  CBA Boundary
-  Civic Space (CS)
-  Public (P)
-  Transect - 5 (T5)

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.







**PVC-11-05**  
**830 Martin Luther King •**  
**Map Date: 10/14/11**



Notification Buffer  
 (200 feet)  
 Site Location  
 Historic District

This map was created by Development Services  
 for reference purposes only. No warranty is made  
 concerning the map's accuracy or completeness.



# **PVC-11-05 Plat Variance 830 W. MLK Drive**



## **Applicant Information:**

**Applicant:** Carlos A. Hernandez  
907 Field St.  
San Marcos TX 78666

**Property Owner:** Virgilio Altamirano  
PO Box 160788  
Austin TX 78716

**Applicant's Request:** A variance from Section 6.7.2.1 (J) of the Land Development Code, which requires that lot depth shall not exceed the three times the lot width for lots platted after March 10, 1975.

**Notification:** Personal notification letter mailed to all property owners within 200' on October 14, 2011

**Response:** Two phone calls requesting information as of October 19<sup>th</sup>. Concern was raised over a drainage ditch that runs through the property.

## **Subject Property:**

**Location:** 830 W. MLK

**Legal Description:** Farm Lot Part of Block 11, Original Town of San Marcos

**Existing Zoning:** SF-6

**Land Use Map:** Low Density Residential

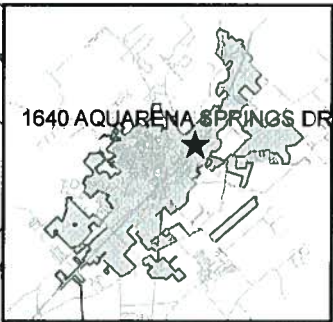
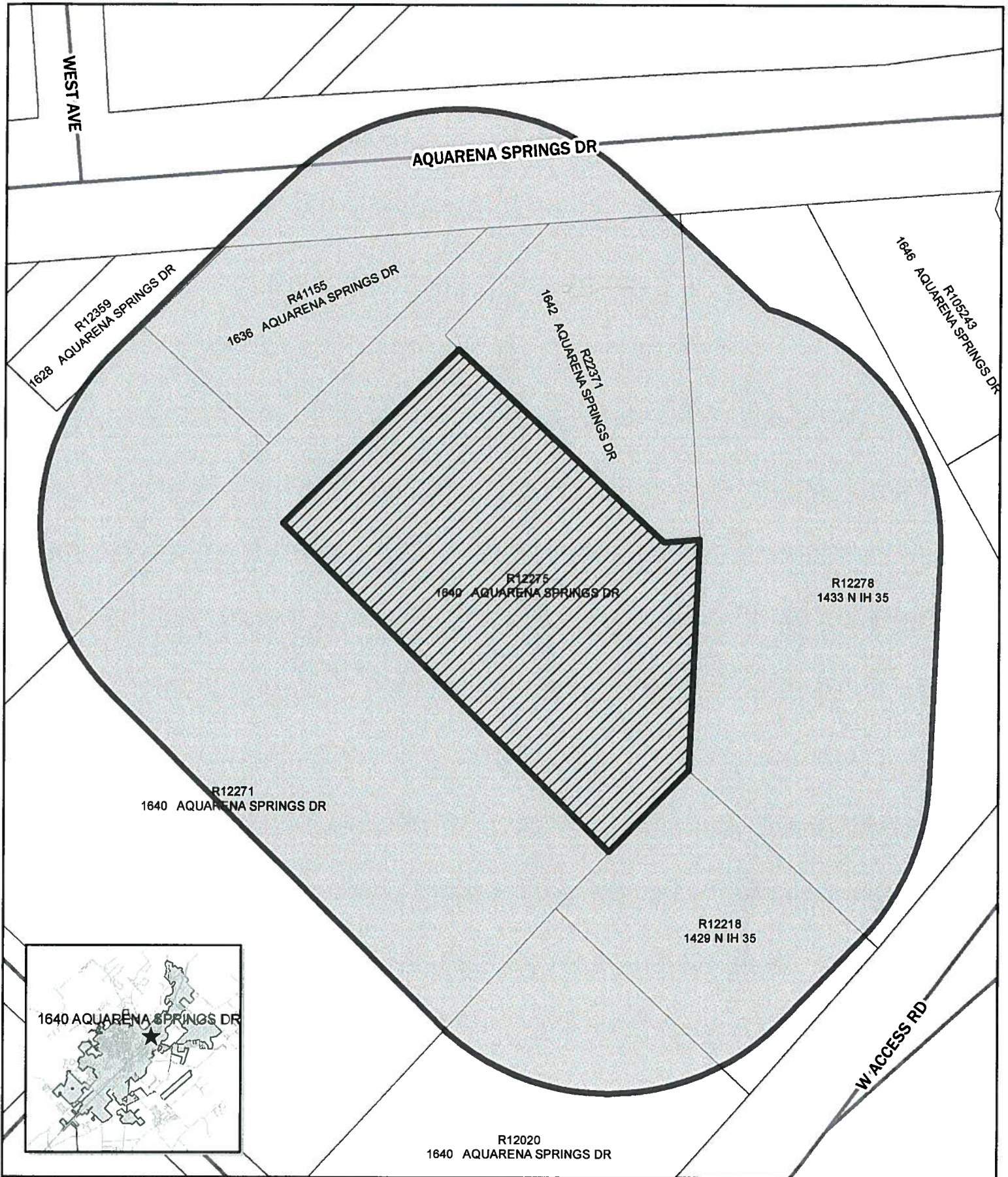
**Utilities:** Property is serviced by City of San Marcos for Electric, Water, and Wastewater

**Existing Use of Property:** Vacant




**Proposed Use of Property:** Residential

**Staff and the applicant recommend that this case be postponed to the next scheduled P&Z meeting to ensure that drainage issues on site can be resolved.**





**ZC-11-32**  
**1640 Aquarena Springs**  
**Map Date: 9/14/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# ZC-11-32

## 1640 Aquarena Springs



### Summary:

**Applicant:** ETR Dev. Con., LLC  
401 Dryden Lane  
Buda, Texas 78610

**Property Owner:** Student Housing Association, LLC  
900 South Meadows Parkway,  
Suite 1622  
Reno, Nevada 89521

### Subject Property:

**Legal Description:** 1.966 acres in the J.M. Veramendi Survey, Part Two.  
**Location:** 1604 Aquarena Springs Drive  
**Existing Use of Property:** Multifamily Residential  
**Existing Zoning:** General Commercial (GC)  
**Proposed Use of Property:** Multifamily Residential  
**Proposed Zoning:** Multifamily Residential (MF-24)  
**Current Future Land Use**  
**Map Designation:** High Density Residential (HDR)  
**Proposed Future Land Use** High Density Residential (HDR)  
**Map Designation:**  
**Sector:** Sector 7  
**Frontage On:** Aquarena Springs  
**Utilities:** City of San Marcos

### **Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	General Commercial (GC)	Retail, restaurants
<b>S of Property</b>	Multifamily (MF-24)	Multifamily Residential
<b>E of Property</b>	General Commercial/Multifamily (GC, MF-24)	Retail and Multifamily Residential
<b>W of Property</b>	Multifamily (MF-18)	Multifamily Residential

### Planning Department Analysis

The applicant is requesting a Zoning Change for 1.966 acres in the J.M. Veramendi Survey, Part Two, from General Commercial (GC) to Multifamily Residential (MF-24). The current Land Use Map recommendation is High Density Residential; no Land Use Amendment is necessary.

The site is improved with six multifamily dwellings, which were constructed in the early 1970's. The parcel immediately to the south is part of the same complex, with twenty-three buildings. Commercial and retail uses are located to the east and north, and another apartment complex is located to the west. The subject site is a separate parcel from the rest of the complex, and does not have street frontage, however, the entire complex has frontage on Aquarena Springs Drive, Jackson Lane, and the frontage road for IH 35 Southbound.



Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
X			<p><b>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</b></p> <p>No Future Land Use Map Amendment is required for this site. The existing use matches the current Land Use recommendation of high-density residential.</p>
		X	<p><b>Consistency with any development agreement in effect</b></p> <p>No development agreements are in effect for this property.</p>
X			<p><b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</b></p> <p>The zoning request will bring the site into conformance with the rest of the subject development.</p>
X			<p><b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b></p> <p>All utilities are in place.</p>
X			<p><b>Other factors which substantially affect the public health, safety, morals, or general welfare.</b></p> <p>The requested rezone will bring the subject site into conformance with existing uses.</p>

The subject site was developed as part of an apartment complex in the 1970's, and is still in use in that manner currently. However, the subject site's zoning classification does not match the current use. The requested rezone to Multifamily (MF-24) will bring the site into zoning compliance with the rest of the complex and with the Future Land Use Map.

The requested zoning change is consistent with the surrounding land uses, the criteria listed above for a zoning change and the following policy statements outlined in the Horizons Master Plan:

- Policy LU-1.1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.

- Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels.
- Policy LU-3.10: The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.

#### **Sector 7 Goals**

- Walkable, pedestrian-friendly neighborhoods
- Traffic calming to reduce "Cut-through" traffic in older neighborhoods
- Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
- "Neighborhood-friendly" development mitigating negative impacts of higher intensity uses

<b>Planning Department Recommendation:</b>		
<input checked="" type="checkbox"/>		<b>Approve as submitted</b>
<input type="checkbox"/>		<b>Approve with conditions or revisions as noted</b>
<input type="checkbox"/>		<b>Alternative</b>
<input type="checkbox"/>		<b>Denial</b>

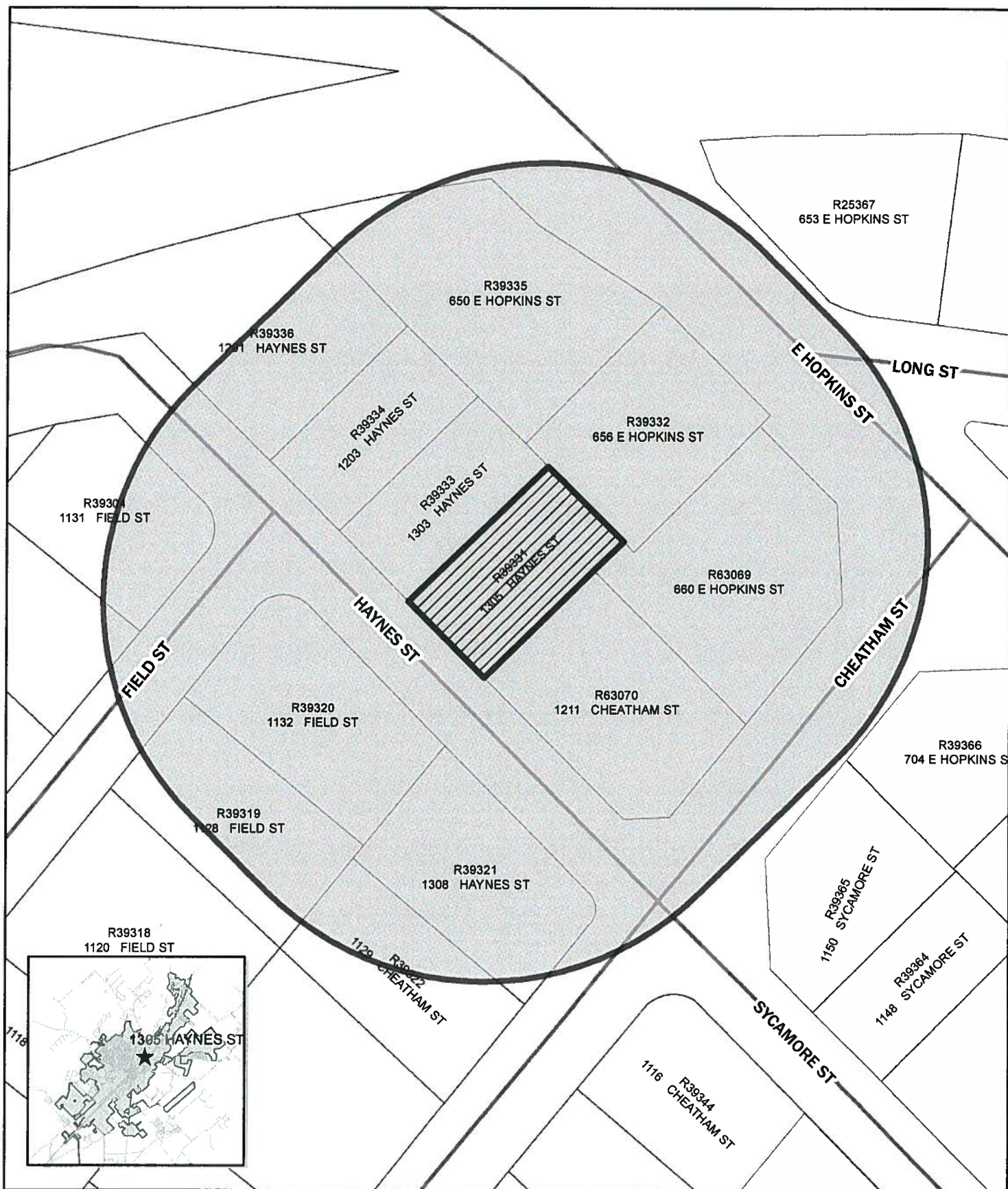
#### **The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

#### **Prepared by:**

Christine Barton-Holmes, LEED AP      Chief Planner      October 12, 2011

Name	Title	Date
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**LUA-11-21**

**Rio Vista Terrace**

**1305 Haynes St**

**Map Date: 9/14/11**

Notification Buffer  
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0      50      100      200

Feet

N

# LUA-11-17

## Land Use Map Amendment

### 1305 Haynes St



#### **Summary:**

The applicant is requesting a Land Use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

**Agent:** ETR Development Consulting  
401 Dryden Lane  
Buda TX 78610

**Owners:** Lumberton Investments, LTD  
1520 Oliver Street  
Houston TX 77007

**Notification:** Personal notice sent and signs posted on October 14<sup>th</sup>

**Response:** None as of date of report publication.

#### **Subject Property:**

**Location:** 1305 Haynes Street

**Legal Description:** Lot 15, Block 5, Rio Vista Terrace

**Sector:** Sector 4

**Current Zoning:** Single Family (SF-6)

**Proposed Zoning:** Mixed Use (MU)

**Current Future Land Use Map Designation:** Medium Density Residential (MDR)

**Proposed Future Land Use Map Designation:** Mixed Use (MU)

**Surrounding Area:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>N of Property</b>	GC	Restaurant	Commercial
<b>S of Property</b>	SF-6	Single-Family Residential	Low-Density Residential
<b>E of Property</b>	NC	Car Sales (Retail redevelopment planned)	Commercial
<b>W of Property</b>	SF-6	Single-Family Residential	Low-Density Residential

### **Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Mixed Use**

The subject property is a .21 acre lot fronting Haynes Street that is currently improved with a single-family residence. Surrounding uses include commercial along Hopkins and single-family residential in the Rio Vista neighborhood. This request is proceeding concurrently with a zoning change from Single-Family Residential (SF-6) to Mixed Use (MU). The applicant intends to use this lot for detention and parking for a proposed development on the two adjacent lots at 660 E. Hopkins and 1211 Cheatham. The applicant originally requested a change to Commercial, but after discussions with staff revised the request to Mixed Use, a less intense Land Use category, because of the midblock location entering the neighborhood.

### **Planning Department Analysis:**

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family and two-family residential, which would allow the current dwelling to remain in use as dwellings under the proposed zoning.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 4 Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<b>LU-1.21:</b> Develop in areas already served.  <i>Comment: Utilities necessary for the redevelopment of this site are in place.</i>
X			<b>Policy LU-3.10:</b> The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.  <i>Comment: Mixed Use in this case serves as a transition from the Commercial along Hopkins to the neighborhood to the southwest. It will allow the applicant to use the property while ensuring that any potentially problematic uses are reviewed by the Commission as outlined in the zoning staff report.</i>
X			<b>Policy LU-3.12:</b> The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.
X			<b>Policy LU-6.9:</b> The City shall designate sufficient space in residential areas for commercial services that are compatible with, and cater to, the convenience needs of the neighborhood. These neighborhood convenience areas will be encouraged to locate within walking distance of all residences, preferably at the intersection of collectors.  <i>Comment: The subject property is located within walking distance of single family, medium density, multi-family, and commercial developments.</i>
X			<b>Policy LU-6.5:</b> The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.  <i>Comment: This proposal will allow the property to be developed into commercial uses that support the needs of the surrounding neighborhoods in a way that neither segregates uses nor adds additional traffic to the residential neighborhoods adjacent to the site.</i>

The Sector 4 Plan contains goals such as walkable neighborhoods, compatible infill, and "neighborhood friendly" development. Mixed Use Districts are compatible with all of these goals, providing for low-density, small-scale retail and office uses and residential within the fabric of the neighborhood. As outlined in the zoning report, the few higher intensity uses are conditional, providing an additional measure of protection.

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector 4 Plan and recommends approval.

Planning Department Recommendation:	
<input checked="checked" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative
<input type="checkbox"/>	Denial

Prepared by:

John Foreman

Planner

October 20, 2011

**Name**

**Title**

**Date**

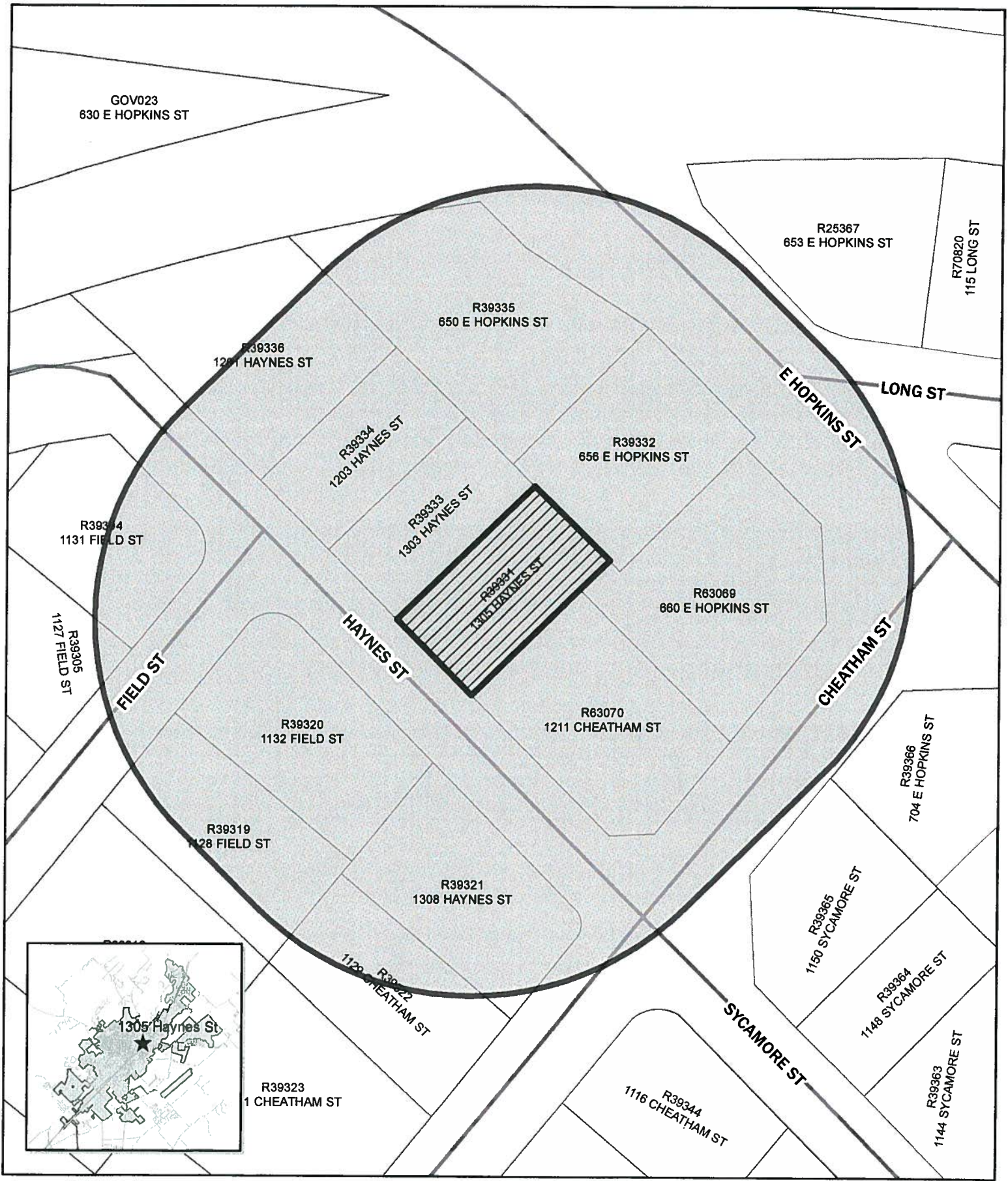


### **The Commission's Responsibility:**

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.






**ZC-11-33**

**LUA-11-21**

**Rio Vista Terrace**

**1305 Haynes St**

**Map Date: 10/11/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# ZC-11-33

## 1305 Haynes Street



### **Summary:**

**Applicant:** ETR Dev. Con., LLC  
401 Dryden Lane  
Buda, Texas 78610

**Property Owner:** Lumberton Investments, LTD  
1520 Oliver Street  
Houston, Texas 77007

### **Subject Property:**

**Legal Description:** 0.21 acres out of Lot 15, Block 5 of the Rio Vista Subdivision  
**Location:** 1305 Haynes Street  
**Existing Use of Property:** Undeveloped/Residential  
**Existing Zoning:** Single Family Residential (SF-6)  
**Proposed Use of Property:** Parking adjacent to retail  
**Proposed Zoning:** Mixed Use (MU)  
**Current Future Land Use**  
**Map Designation:** Low Density Residential (LDR)  
**Proposed Future Land Use**  
**Map Designation:** Mixed Use (MU)  
**Sector:** Sector 4  
**Frontage On:** Haynes Street  
**Utilities:** City of San Marcos

### **Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	General Commercial (GC)	Restaurant/Bar/Retail
<b>S of Property</b>	Single Family Residential (SF-6)	Residential
<b>E of Property</b>	Neighborhood Commercial (NC)	Parking Lot/Retail
<b>W of Property</b>	Single Family Residential (SF-6)	Residential

### **Planning Department Analysis**

The applicant is requesting a Zoning Change and Land Use Map Amendment for 0.21 acres out of the Rio Vista Subdivision, from Single Family Residential (SF-6) and Low Density Residential (LDR) to Mixed Use (MU).

The site is improved with a single-family house, and is located in a residential neighborhood. The parcel immediately to the east is zoned Neighborhood Commercial (NC) and functions as a parking lot for the existing auto sale business located in front of the site on Hopkins Street. The proposed use for the site is as parking and a retention/filtration area for a new retail structure with access on Hopkins Street and Cheatham Street. The retail structure would occupy the space currently used by an auto sales facility. The requested zoning district, Mixed Use, requires the grant of a Conditional Use Permit for a site to be used as parking. A Conditional Use Permit, CUP-11-15, has been filed concurrently with this Zoning

Change request, however, the CUP cannot proceed until the zoning request has been approved and taken effect. A site plan will need to be filed with the CUP for review by the Planning & Zoning Commission, and will provide an opportunity to provide buffering and lighting that mitigate possible negative impacts from the proposed parking and retention area. A draft site plan has been included for reference, but has not been fully reviewed by all Departments. Its inclusion with this report does not indicate site plan approval.

The subject property is located on the southwest side of Haynes Street, one lot in from the intersection of Haynes and Cheatham Streets. The lot also backs up to commercial and retail lots with frontage on Hopkins Street. The lot adjacent to the east, 1211 Cheatham Street, is currently used for parking for the auto sales facility, which is located at 660 Hopkins Street. These three lots taken together form a rough "L" shape, and are proposed to be developed as a new retail structure and parking. Uses around the site include the Rio Vista residential subdivision to the west, southeast, and southwest; and retail uses along Hopkins Street to the north, northwest, and northeast.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
		X	<p><b>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</b></p> <p>A future land use map amendment is pending for this property. The proposed change is an appropriate transition between residential and commercial uses.</p>
		X	<p><b>Consistency with any development agreement in effect</b></p> <p>No development agreements are in effect for this property.</p>
X			<p><b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</b></p> <p>The request is appropriate because it represents a transition in zoning from commercial to residential, which may lessen the potential for negative impacts on surrounding residences. Mixed Use provides for neighborhood scale uses, and is a buffer between residential uses and more intense, auto-oriented commercial uses.</p>
X			<p><b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b></p> <p>All utilities are in place. Additionally, the City is working on extensive road and water/wastewater improvements in the</p>



Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
			Rio Vista neighborhood.
X			<p><b>Other factors which substantially affect the public health, safety, morals, or general welfare.</b></p> <p>While commercial zoning in within an established residential area is generally not considered good planning practice, the requested Mixed Use category provides a transition between the Neighborhood Commercial to the east and the Single Family Residential to the west. In this instance, the requested rezone may serve as a buffer between the more and less intense zoning districts on either side.</p>

While there is some concern with commercial encroachment into the neighborhood, the Mixed Use designation provides for the site to be continued to be used as a single-family residential lot by right. It also requires the grant of a CUP, which enables the Plan Commission to impose conditions which further protect the neighborhood. The Mixed Use designation provides for uses that are less intense and more compatible with residential uses than some of the other commercial designations, and is considered an appropriate transition district between commercial and residential districts. A draft site plan has been submitted with the CUP, and has been included for reference in this report.

The requested zoning change is consistent with the surrounding land uses, the criteria listed above for a zoning change and the following policy statements outlined the in the Horizons Master Plan:

- Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.
- Policy LU-6.1: The City shall provide sufficient commercial development opportunities to provide a diversified economic base and employment opportunities for the future population of the City.
- Policy LU-6.3: The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.

#### **Sector 4 Goals**

- Walkable, pedestrian-friendly neighborhoods
- Traffic calming to reduce "Cut-through" traffic in older neighborhoods
- Internal circulation in new commercial development to prevent traffic problems common in strip commercial development
- Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
- "Neighborhood-friendly" development mitigating negative impacts of higher intensity uses

Staff finds that the request is generally consistent with the policies in the Horizons Master Plan and the Sector 4 Plan and recommends approval.

<b>Planning Department Recommendation:</b>		
<input checked="checked" type="checkbox"/>		<b>Approve as submitted</b>
<input type="checkbox"/>		<b>Approve with conditions or revisions as noted</b>
<input type="checkbox"/>		<b>Alternative</b>
<input type="checkbox"/>		<b>Denial</b>

**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

**Prepared by:**

Christine Barton-Holmes, LEED AP      Chief Planner

September 30, 2011

**Name**

**Title**

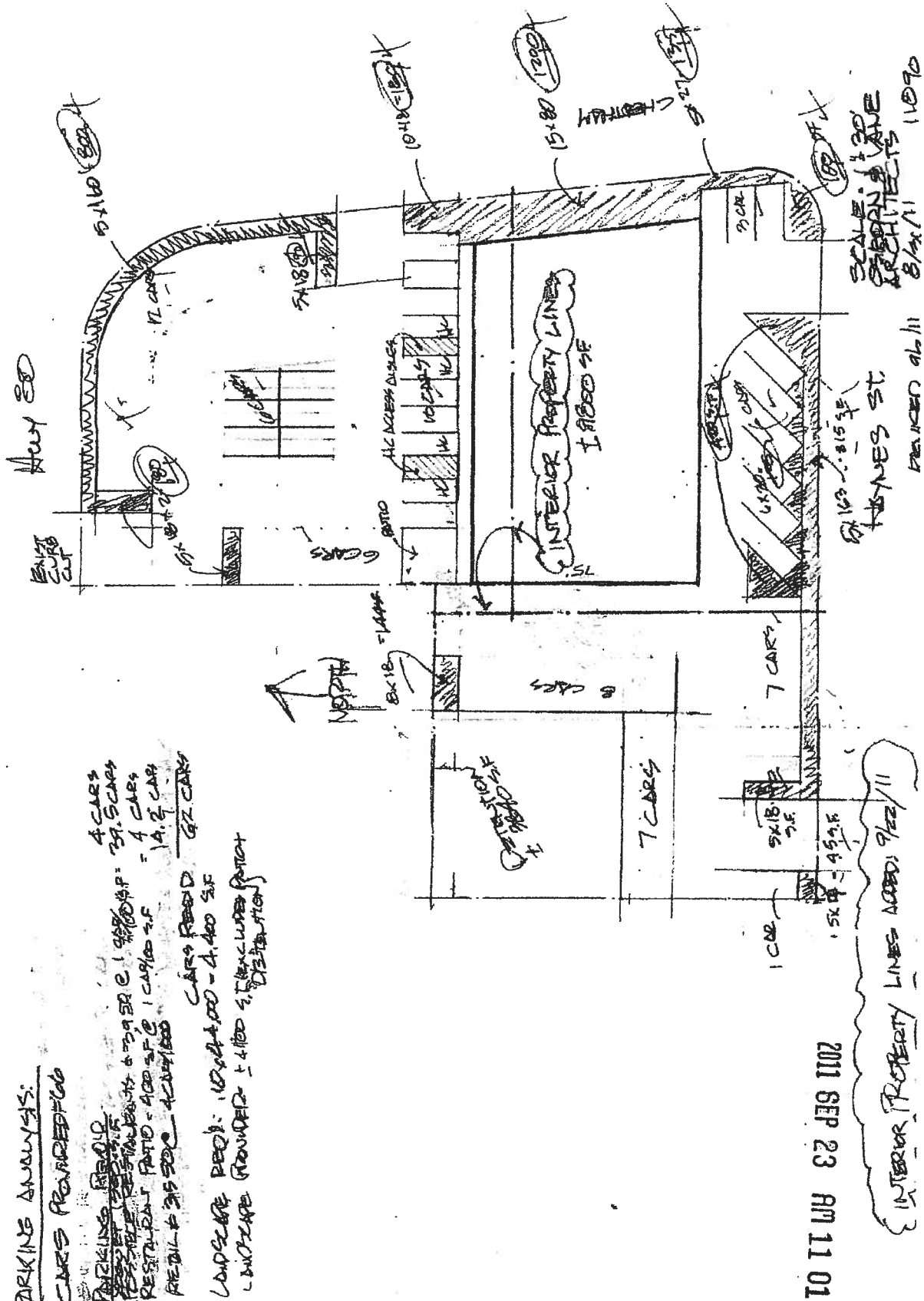
**Date**



MRS. POWELL

67 CAR

Landscape REQ'D: 1022 x 1000 - 4,400 sq ft  
Landscape Grounded = 4,100 sq ft. Landscape Portion  
= 300 sq ft. <sup>(30% reduction)</sup>

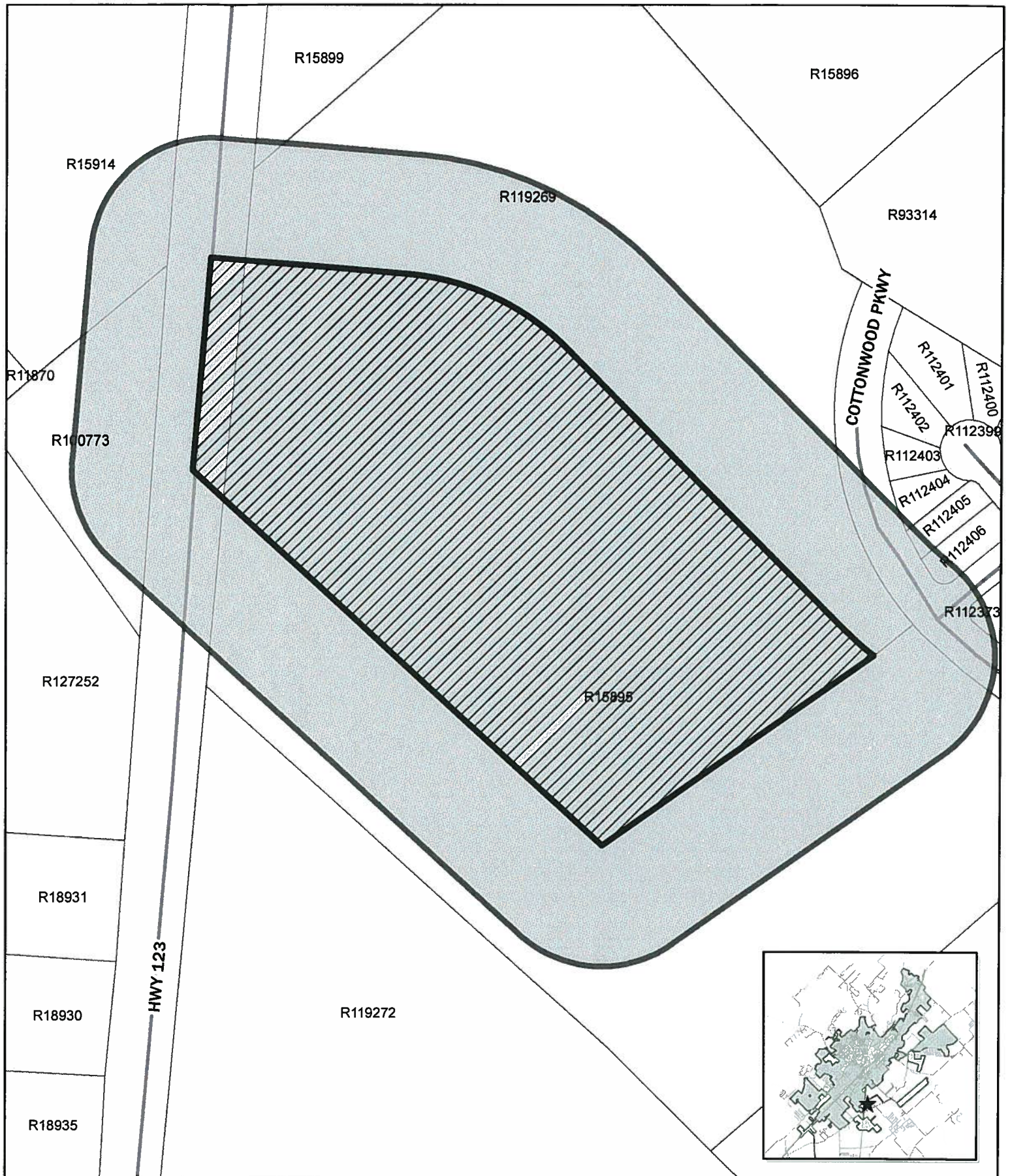


2011 SEP 23 AM 11 01

INTERIOR PROPERTY LINES ADDED: 9/22/11

SCALE - 1/4" = 1'-0"  
ARCHITECTS  
8/18/11 11090

11/96 USAF



**ZC-11-35**  
**Rio Marc Development Ltd.®**  
**Map Date: 10/03/11**



Notification Buffer  
 (200 feet)



Site Location



Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# ZC-11-35

## 2600 Block Hwy 123



### Summary:

**Applicant/ Property owner:** Rio Marc Development, Ltd.  
1911 Corporate Drive STE 103  
San Marcos TX 78666

### Subject Property:

**Legal Description:** 12.904 acres out of the Barnett O Kane Survey Abstract No 281  
**Location:** 2600 Block Hwy 123  
**Existing Use of Property:** Vacant  
**Existing Zoning:** Duplex Restricted (DR)  
**Proposed Use of Property:** Multifamily Residential  
**Proposed Zoning:** Multifamily Residential (MF-12)  
**Current Future Land Use:** Medium Density Residential (MDR)  
**Proposed Future Land Use:** Medium Density Residential (MDR)  
**Sector:** Sector 5  
**Frontage On:** HWY 123  
**Utilities:** City of San Marcos  
**Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	Multifamily (MF-12)	Vacant
<b>S of Property</b>	Multifamily (MF-18)/ Park (P)	Vacant/ Park
<b>E of Property</b>	Residential (SF4.5)	Single Family Residential
<b>W of Property</b>	Multifamily (MF-18)	Multifamily Residential

### Planning Department Analysis

The applicant is requesting a Zoning Change for 12.904 acres in the Barnett O Kane Survey Abstract No 281, from Duplex Restricted (DR) to Multifamily Residential (MF-12). The current Land Use Map recommendation is Medium Density Residential; no Land Use Map Amendment is necessary. The subject property is located partially within the 100 year floodplain and is adjacent to City parkland.

The site is contained within the El Camino Real Subdivision Master Plan and is currently vacant. If this zoning change is approved the Subdivision Concept Plan will require an amendment to be consistent with the approved zoning change. The DR zoning district is intended for the development of one (1) single family or two family residential structure per lot, allows a maximum density of 6 units per acre, and is subject to the occupancy restrictions.. The MF-12 zoning district will allow up to 12 units per acre with no occupancy restrictions and is intended for the development of multiple family apartment residences at not more than 12 units per acre.

Changing the zoning from DR to MF 12 will affect the way that the development functions and the type of housing that offered. A multi-family development is typically one lot and does not require the extension of



public utilities or connector roads throughout the site, while the DR zoning district functions with several smaller lots and roadways with utilities connecting those lots. In addition, the duplex zoning district sets up a number of lots that can be sold off individually.

Housing in sector 5 is currently made up of primarily single family residential homes. The addition of multi-family adjacent to the new schools will offer more choices for the residences of this area.

According to the El Camino Real Master Plan the subdivision consists of:

- 25.4 acres of land zoned for General Commercial development,
- 89 acres zoned a mix of SF6 and SF4.5 and,
- 22.8 acres zoned DR or MF-12 and,
- 22.3 acres zoned MF-18

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
X			<p><b>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</b></p> <p>No Future Land Use Map Amendment is required for this site. The existing use matches the current Land Use recommendation of medium-density residential.</p>
		X	<p><b>Consistency with any development agreement in effect</b></p> <p>The Subdivision Concept Plan will need to be amended in order to support this change.</p>
X			<p><b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</b></p> <p>The use proposed is appropriate in the immediate area of the subject property due to the similarity of the existing zoning districts and land use classifications in the immediate vicinity of the subject property.</p>
X			<p><b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b></p> <p>The proposed change is not in accord with the existing master plan depicting a network of streets designed to support the duplex restricted zoning district. The elimination of these streets will not affect the overall connectivity of the site.</p>
X			

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
		<p><b>Other factors which substantially affect the public health, safety, morals, or general welfare.</b></p> <p>There are no factors identified with this zoning change that will affect public health, safety, morals, or general welfare .</p>

In addition to the above criteria the Horizons Master Plan and Sector 5 Plan offer further policies and criteria for analysis when deciding a zoning change. Following are a selection of relevant policies from these two Master Planning documents:

**Horizons Master Plan**

- Policy LU-1.1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.
- Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels.

**Sector 5 Goals**

- Walkable, pedestrian-friendly neighborhoods
- Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety
- Interconnected streets in future development.
- "Neighborhood friendly" development mitigating negative impacts of higher intensity uses
- High quality, attractive development along Interstate 35, Wonder World, Staples and Highway 123 as community gateways

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

**Prepared by:**

Abigail Gillfillan  
Name

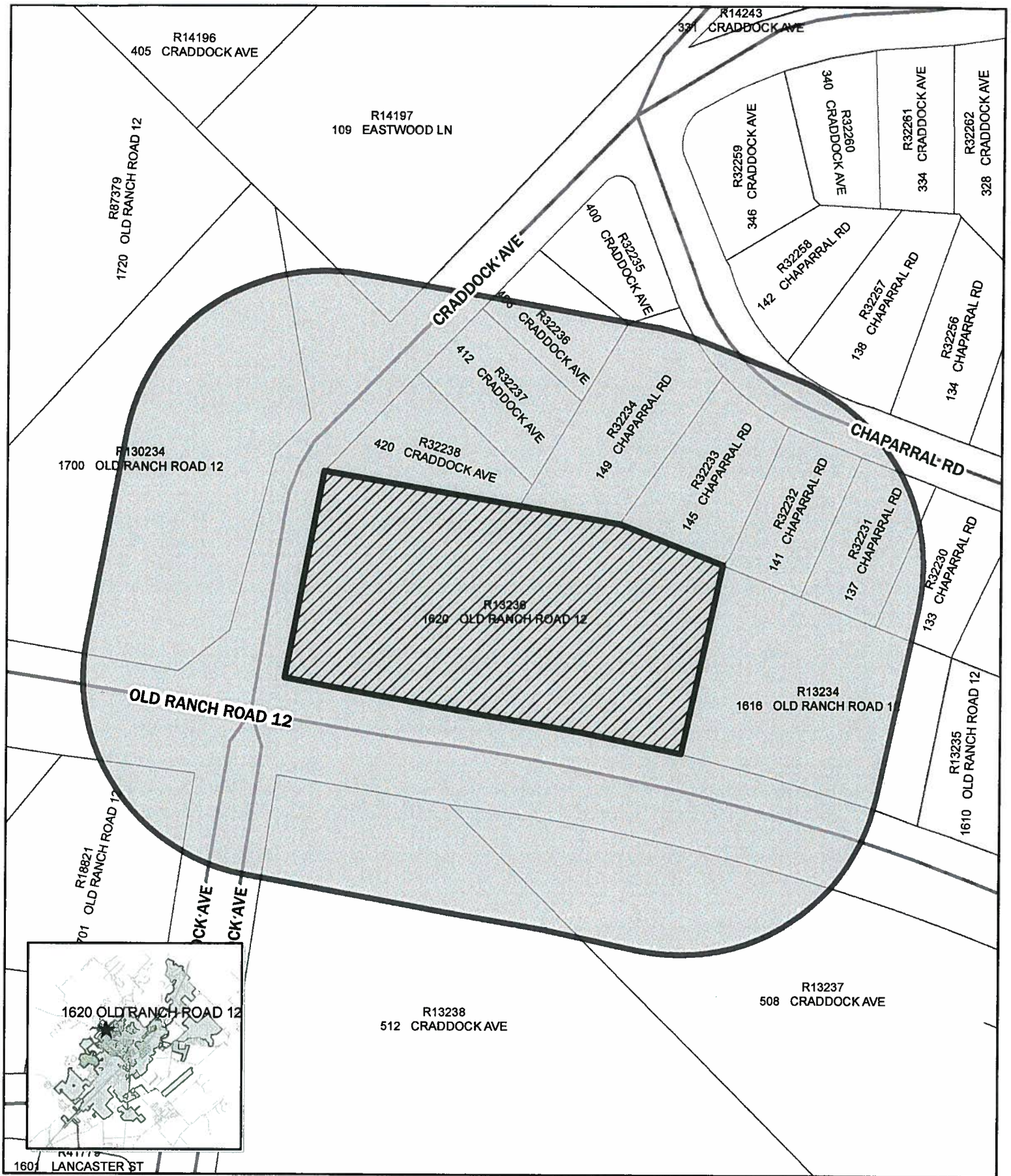
Planner  
Title

October 18, 2011  
Date









**LUA-11-20**  
**1620 Old RR 12**  
**Map Date: 9/12/11**



Notification Buffer  
 (200 feet)  
 Site Location  
 Historic District



This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# Land Use Map Amendment

## LUA-11-20

### 1620 Ranch Road 12



**Summary:** The property owner is proposing a land use map amendment from Low Density Residential (LDR) to Commercial (C).

**Applicant:** ETR Development Consulting  
401 Dryden Lane  
Buda, Texas 78610

**Property Owner:** Dr. Rugel F. Sowell Jr.  
1620 Ranch Road 12  
San Marcos, Texas 78666

**Notification:** Public hearing notification was mailed October 14<sup>th</sup>.

**Subject Property:**

**Legal Description:** ABS 83 TR 19-20 117-89 E CLARK SURVEY

**Location:** 1620 Ranch Road 12

**Existing Use of Property:** Single-Family residence

**Proposed Use of Property:** No specific development plans

**Proposed Land Use:** C- Commercial

**Sector:** Sector 3

**Frontage On:** Ranch Road 12 and Craddock Avenue

**Utilities:** Adequate

**Area Land Use Pattern:**

	Existing Land Use	Future Land Use
<b>N of Property</b>	Duplexes and Single Family Homes	Medium-Density Residential/ Low Density Residential
<b>S of Property</b>	Single-Family Home and Undeveloped property	Open Space/ Commercial
<b>E of Property</b>	Single-Family Home	Low-Density Residential
<b>W of Property</b>	Walgreens	Commercial

**Case Summary: Proposed Land Use Map Amendment from Low Density Residential (LDR) to Commercial (C)**

The subject property is a 2.119 acre tract located at the northeast corner of Craddock Avenue and Old Ranch Road 12. The applicant is requesting a land use map amendment from Low Density Residential (LDR) to Commercial (C). This request is proceeding concurrently with a zoning change from Single Family (SF-6) to Community Commercial (CC). These changes would make the future land use and zoning consistent for the entire site.

The property is currently developed as a single-family residence. While the property owner does not have specific development plans for the site, he is requesting approval of this land use amendment in order to

allow the property to be developed. A change to Commercial future land use was requested in 2009 but was withdrawn prior to action by the Commission.

### **Planning Department Analysis:**

Staff has reviewed the request for consistency with the *Horizons Master Plan* and the *Sector 3 Plan*.

Consistent	Neutral	Inconsistent	<b>Horizons Master Plan Policy Statement</b>
<b>x</b>			<p><b>Policy LU-6.3:</b> The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: The subject property is located at the intersection of a major and minor arterial roadway. This stretch of Old Ranch Road 12 over the last several decades has transitioned from servicing single family homes as a farm to market road to a major thoroughfare tasked with servicing the needs of a variety of residential and commercial uses.</i></p>
<b>x</b>			<p><b>Policy LU-6.9:</b> The City shall designate sufficient space in residential areas for commercial services that are compatible with, and cater to, the convenience needs of the neighborhood. These neighborhood convenience areas will be encouraged to locate within walking distance of all residences, preferably at the intersection of collectors.</p> <p><i>Comment: The subject property is located within walking distance of single family, medium density, multi-family, and commercial developments.</i></p>
<b>x</b>			<p><b>Policy LU-6.15:</b> The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials.</p> <p><i>Comment: The subject property is located at the intersection of a minor and major arterial roadway.</i></p>
<b>x</b>			<p><b>Policy LU-6.5:</b> The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.</p> <p><i>Comment: This proposal will allow the property to be developed into commercial uses that support the needs of the surrounding neighborhoods in a way that neither segregates uses nor adds additional traffic to the residential neighborhoods adjacent to the site.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
<b>X</b>			<p><b>LU-6.6:</b> Discourage speculative zoning solely to inflate value, to the detriment of adjacent owners</p> <p><i>Comment: While value will likely increase, changing to a commercial land use designation is more appropriate for the property given its location on a major arterial roadway, and the compatibility requirements discussed below will protect the adjacent owners.</i></p>
<b>X</b>			<p><b>LU-1.21:</b> Develop in areas already served.</p> <p><i>Comment: Utilities necessary for the redevelopment of this site are in place.</i></p>
<b>X</b>			<p><b>LU-6.10:</b> Criteria to rezone to more intensive commercial purposes: on thoroughfare, close to market served, sufficient size for quality site design, discourages traffic on residential streets, adequate transportation system, adequate public facilities, sufficient space for increased drainage from impervious cover</p> <p><i>Comment: The property meets each of the criteria stated.</i></p>

Because of the changes to Old RR 12, the lots are now inconsistent with several statements in the Master Plan related to single-family development:

**Policy LU-3.18:** The City shall prohibit residential development that, because of design or location, will expose residents to through traffic or heavy traffic from other types of land uses.

**Policy LU-3.19:** The City shall encourage residential lots located along major thoroughfares to be designed in one of the following ways:

a. Lots should be designed such that the houses back up to the major thoroughfare, the lot have extra depth, and the house is screened from the traffic by a fence or wall as part of the site development. When high noise levels from traffic are anticipated on the property, a masonry wall or other suitable noise dampening device or design standard should be used on the site to provide adequate outdoor living space that is not impacted by excessive noise levels.

b. If houses are to face a major thoroughfare, they should be given access via a frontage road or service street.

c. Whenever possible, the developer should construct short cul-de-sacs or loop streets, extending from the arterial into the subdivision so that the lots front on that local residential street and houses do not directly face or take access from the arterial.

d. Houses may face a major thoroughfare without the provision of access from a service road if they are sufficiently set back,, and are given access from rear alleys or drives such that direct access to the highway is limited or prohibited. If access to the arterial must be provided, then circular drives should be required so that vehicles will not back into the arterial.



Staff makes the following findings related to the *Horizons* plan:

- The site is located on the corner at the intersection of two arterial roadways
- The lot across Old RR 12 from the site was rezoned to Commercial in 2011 as part of the Retreat at San Marcos development
- Commercial is the highest and best use of the site
- The lot size will minimize the impact on existing residential properties

The Sector 3 Plan lists three goals significant to the Commission's consideration to alter the future land use designation from LDR to C.

**Walkable, pedestrian-friendly neighborhoods.**

With the redevelopment of this site, sidewalks will be constructed along Craddock and Ranch Road 12, adjacent to the subject property, therefore helping to support the completion of the sidewalk network along these heavily used roadways. Providing for commercial areas within close proximity to residential uses creates the opportunity for residents to access commercial services without relying on the use of an automobile.

**'Neighborhood friendly' development mitigating negative impacts of higher intensity uses.**

There are a variety of residential uses within a ¼ to a ½ of a mile of the subject property, including some single-family detached homes adjacent to the north of the property. The Land Development Code includes buffering requirements to address compatibility of adjacent uses. Converting the land use designation from low-density residential to commercial is consistent with the development pattern seen in this area. Any redevelopment of the site would require full compliance with buffering, lighting and screening and all other requirements outlined in the Land Development Code.

**Preserved and enhanced visual character through a variety of design requirements.** The Land Development Code includes articulation standards, landscaping requirements, restricts building materials, and signage requirements designated to address this goal.

**Staff considers the request to change the land use classification to Commercial to be supportive of the Horizons Master Plan and the Sector 3 plan and recommends approval.**

Planning Department Recommendation:	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative-Public Hearing only
<input type="checkbox"/>	Denial

**The Commission's Responsibility:**

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

**Prepared by:**

John Foreman	Planner	October 17, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>



# Zoning Change

## ZC-11-31

### 1620 Ranch Road 12



#### **Administrative Summary:**

**Applicant:** ETR Development Cons.

**Property Owner:** RF Sowell, Jr.  
1679 Ana Lee  
New Braunfels, Tx.

#### **Property/Area Profile:**

**Legal Description:** 2.119 +/- acres, ABS 83, TR 19-20 117-89 E. Clark Survey

**Location:** 1620 Ranch Road 12

**Existing Use of Property:** Single-family residence

**Proposed Use of Property:** No proposed development plans for the property.

**Future Land Use Map:** C – Commercial

**Existing Zoning:** SF-6 Single-Family Residential

**Proposed Zoning:** CC Community Commercial

**Frontage On:** Ranch Road 12 and Craddock Avenue

**Utility Capacity:** Adequate

**Sector:** Sector 3

**Neighborhood:** Hughson Heights Neighborhood

**Area Zoning and  
Land Use Pattern:**

Orientation	Zoning	Existing Land Use	Future Land Use
N of Property	D, SF-6	Duplexes and Single Family Homes	Low/Med Density Residential
S of Property	SF-6, GC	Single-Family Homes, Undev Convenience Store	Open Space & Commercial
E of Property	SF-6	Single-family Homes	Low-density Residential
W of Property	CC	Walgreens	Commercial

### **Planning Department Analysis:**

The applicant is requesting a zoning change for 2.119 +/- acres, from SF-6 (Single-Family Residential) to CC (Community Commercial). This request is being processed concurrently with a request to amend the Land Use Map from Low Density Residential to Commercial; these changes would make the future land use and zoning consistent for the subject site. The property is currently developed as a single-family residence. The owner does not have any immediate specific plans to develop this property commercially; his request would allow this property to be developed to its highest and best use in the future.

The subject property is located on the northeast corner of Ranch Road 12 and Craddock Avenue. Ranch Road 12 is designated as a major arterial and has been identified as a Gateway for the City of San Marcos. Craddock Avenue is designated as a minor arterial and serves as a transportation conduit for a large multi-family area to the north and a large single-family area to the south. The proximity of the subject property to a major and minor traffic arterial is not conducive, nor desirable for single-family development.

The Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

<b>Evaluation</b>		<b>Criteria (LDC 1.5.1.5)</b>
<b>Consistent</b>	<b>Inconsistent</b>	
<b>X</b>		<b>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</b>  A future land use map amendment is pending for this property.  The Horizons Master Plan and the Sector 3 plan have identified commercial areas located at the intersections of Ranch Road 12 and County Estates Drive; Ranch Road 12 and Craddock Ave; and Ranch Road 12 and Holland Street.
<b>X</b>		<b>Consistency with any development agreement in effect</b>  No development agreements are in effect for this property.
<b>X</b>		<b>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</b>  The uses and standards applicable to commercial zoning designations are compatible with high traffic sites such as the subject property. Although it is not the current intention of the owner to redevelop the site any redevelopment of the property will trigger full compliance with the zoning requirements of the Land Development Code. Code required screening would provide protection to the residential areas to the rear of the subject property.
<b>X</b>		<b>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</b>  The change will have no negative effects on public facilities and services.
<b>X</b>		<b>Other factors which substantially affect the public health, safety, morals, or general welfare</b>  Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.



Based on the criteria above, staff believes the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the existing condition of the subject property, the surrounding properties and the development pattern in that part of the neighborhood. **Staff recommends approval of the zoning change request, as submitted.**

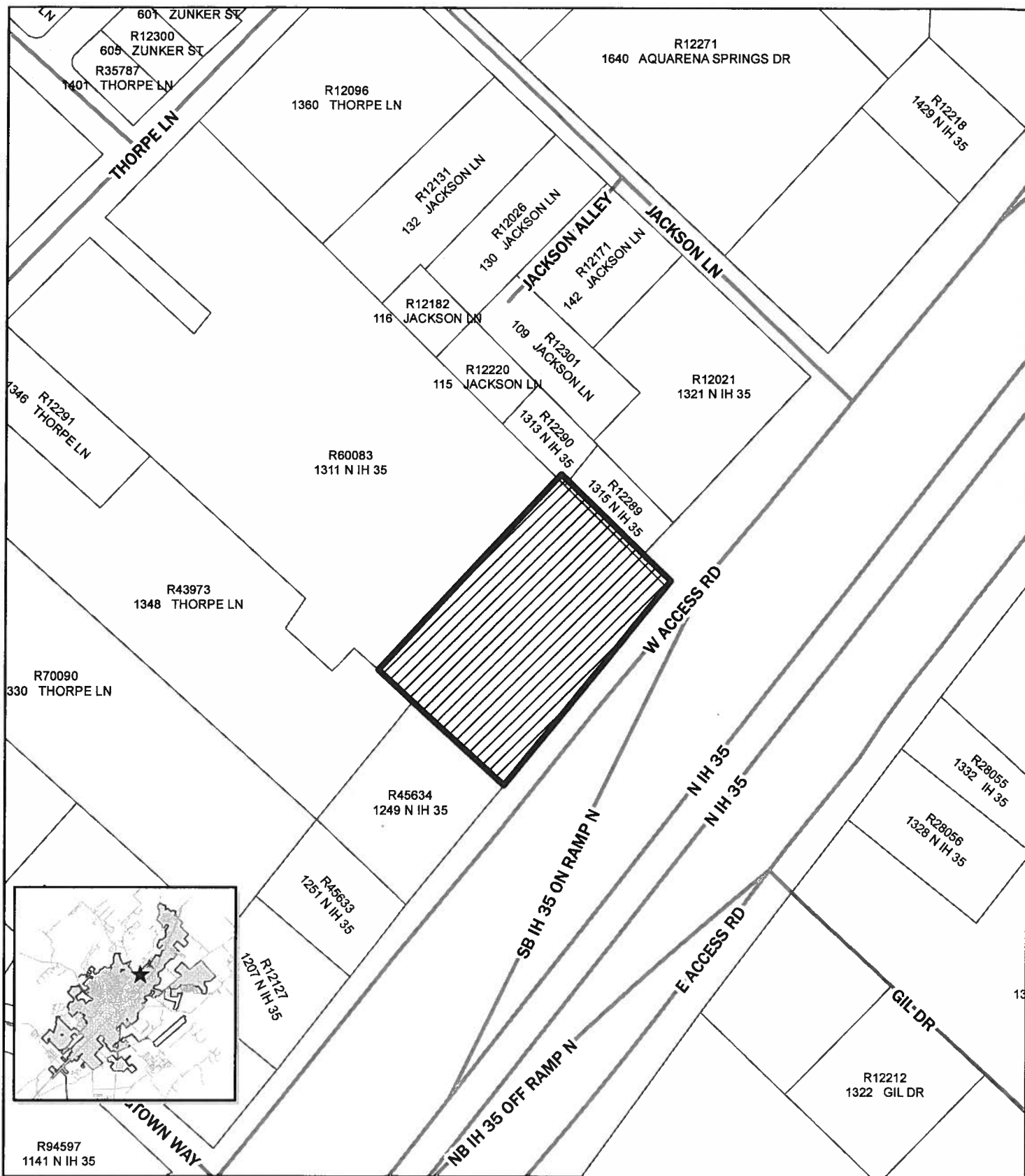
**Development Services Recommendation:**

- ☒ Approve as submitted
- ☐ Approve with conditions or revisions as noted
- ☐ Alternative
- ☐ Denial




**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

<b>Prepared by:</b>		
Sofia Nelson	Chief Planner	October 21, 2011
<b>Name</b>	<b>Title</b>	<b>Date</b>



**LUA-11-19**  
**Luxury Apartments**  
**1311 IH 35 N**  
**Map Date: 9/09/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# Land Use Map Amendment

## LUA-11-19

### 1311 North IH-35



#### Administrative Summary:

**Applicant:** ETR Development Consulting  
401 Dryden Lane  
Buda TX 78610

**Property Owner:** Darren Casey Interest, Inc  
814 Arion Parkway, Ste. 200  
San Antonio, Texas 78216

**Notification:** Public hearing notification mailed on October 14<sup>th</sup> and signs posted on October 15<sup>th</sup>.

**Response:** None to date

#### Property/Area Profile:

**Legal Description:** 2.547 acres out of the JM Verimendi League No. 2

**Location:** 1311 N. IH-35

**Existing Use of Property:** Vacant

**Proposed Use of Property:** Multi-family residential

**Future Land Use Map:** Commercial (C)

**Existing Zoning:** General Commercial (GC)

**Proposed Zoning:** MF-24 Multi-Family Residential

**Utility Capacity:** Adequate

**Sector:** Seven

**Area Zoning and Land Use Pattern:**

	Zoning	Existing Land Use	Future Land Use
N of Property	MF-18, GC	Nursing home	Commercial
S of Property	MF-24, GC	Educational facility	Public/Institutional
E of Property	GC	IH 35	Interstate
W of Property	MU	Multifamily residential	Mixed Use

## Planning Department Analysis

The applicant is requesting a Land Use Map Amendment change for 2.547 acres, more or less, from Commercial (C) to High Density Residential (HDR).

The subject property is 2.547 acres out of a 10.55-acre parcel with frontage on both IH 35 and Thorpe Lane. The subject property fronts on IH 35. The other 8.188 acres were rezoned to the MF-24 designation, with a concurrent Land Use Amendment to HDR, under ZC-09-22/LUA-09-18. This current request is being processed together with a Zoning Change request, to change the zoning designation from General Commercial (GC) to Multi-Family Residential (MF-24) and a Planned Development District (PDD) overlay for the entire 10.55 acres.

Adjacent uses include educational offices to the south and a nursing home to the north. Uses to the west are primarily multifamily residential. There are also numerous hotels and retail businesses in the area, and a couple of older multifamily developments to the north and to the south. Uses along IH 35 are primarily interstate-oriented businesses.

Staff has evaluated the request for consistency with the Horizons Master Plan:

Consistent	Neutral	Inconsistent	<b>Horizons Master Plan Policy Statement</b>
X			<p><b>Policy LU-1.21:</b> The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property.</i></p>
X			<p><b>Policy LU-3.1:</b> The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.</p> <p><i>Comment: Adverse impacts from the heavy traffic of IH-35 and the associated access road are a concern at this location. However, together with the remainder of the tract that is currently designated High Density Residential, the site is large enough to enable the buildings to be set back from IH 35 and screened.</i></p>
X			<p><b>Policy LU-3.2:</b> The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i></p>
X			<p><b>Policy LU-3.14:</b> The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: The location is less than a mile from city parks and facilities.</i></p>
X			<p><b>Policy LU-3.16:</b> The City shall discourage residential uses without adequate buffering.</p> <p><i>Comment: The lot is large enough to provide buffering as required in the Land Development Code, which the Concept Plan in the PDD illustrates.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p><b>Policy LU-3.18:</b> The City shall prohibit residential developments that, because of design or location, will expose the potential residents to through traffic or heavy traffic from other types of land uses.</p> <p><i>Comment: There is no through street from IH 35 to Thorpe adjacent to this tract, and the proposed site design will discourage cut-through traffic.</i></p>
X			<p><b>Policy LU-4.1:</b> The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>Comment: All adjacent uses are compatible with multi-family.</i></p>
X			<p><b>Policy LU-4.2:</b> The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: Numerous commercial uses are within walking distance of the site.</i></p>
X			<p><b>Policy LU-4.3:</b> The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p>
X			<p><b>Policy LU-4.4:</b> The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p>
		X	<p><b>Policy LU-6.3:</b> The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: See discussion below.</i></p>
X			<p><b>Policy LU-6.5:</b> The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.</p>
X			<p><b>Policy LU-6.11:</b> The City shall discourage the zoning or commercial usage of land that has the potential of becoming undesirable strip commercial development, which is characterized by one or more of the following problems:</p> <ul style="list-style-type: none"> <li>a. shallow lots, usually less than two hundred feet deep;</li> <li>b. numerous small ownerships;</li> <li>c. numerous curb cuts for entrances;</li> <li>d. numerous small buildings with no architectural unity;</li> <li>e. little or no landscaping in and around the parking lots;</li> <li>f. limited parking usually restricted to the front setback area or along the street; and/or</li> <li>g. the lack of landscape or other buffers, especially in the rear, with the adjacent residential areas exposed to blighting influences.</li> </ul>



This request is generally consistent with policies related to High Density Residential, but the *Horizons* plan designates the entire IH 35 corridor for Commercial. Any change away from commercial in this corridor should be carefully considered. Staff makes the following observations:

- This location is mid-block, and the corners of the block at Jackson Lane and Springtown Way are designated for commercial.
- Policy 6.11 recommends that lots be greater than 200 feet deep to discourage undesirable commercial strip development. Although this tract is approximately 250 feet deep, it is over 400 feet wide, making it likely that any commercial development would be the strip style that the *Horizons* plan discourages.
- There are adequate existing commercial uses in the area, and the proximity to Springtown allows for many more.

Because of these factors, staff finds that the request is generally consistent with the *Horizons Master Plan*.

Sector 7, which is approximately 9.6% of the city limits by area, consists of 7.1% High or Medium Density Residential. This is less than the city-wide average of 10%. The Sector 7 Plan identifies this general area as appropriate for higher-density residential.

	Percent of City Limits
Sector 7	9.6%
MDR and HDR City-wide	10.0%

Percent of Sector 7 that is HDR or MDR currently	7.1%
Percent of Sector 7 that is HDR or MDR after this request	7.2%

The Sector 7 Plan contains goals such as walkable neighborhoods, high-quality attractive development along IH 35, interconnected streets, and enhanced visual character. From a land-use perspective, High Density Residential is consistent with these goals with the development standards outlined in the PDD.

**Staff finds that the request is generally supportive of the *Horizons Master Plan* and the *Sector 7 Plan* and recommends approval.**

**Planning Department Recommendation:**

<b>X</b>	<b>Approve as submitted</b>
	<b>Approve with revisions as noted</b>
	<b>Alternative-Postpone</b>
	<b>Denial</b>

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

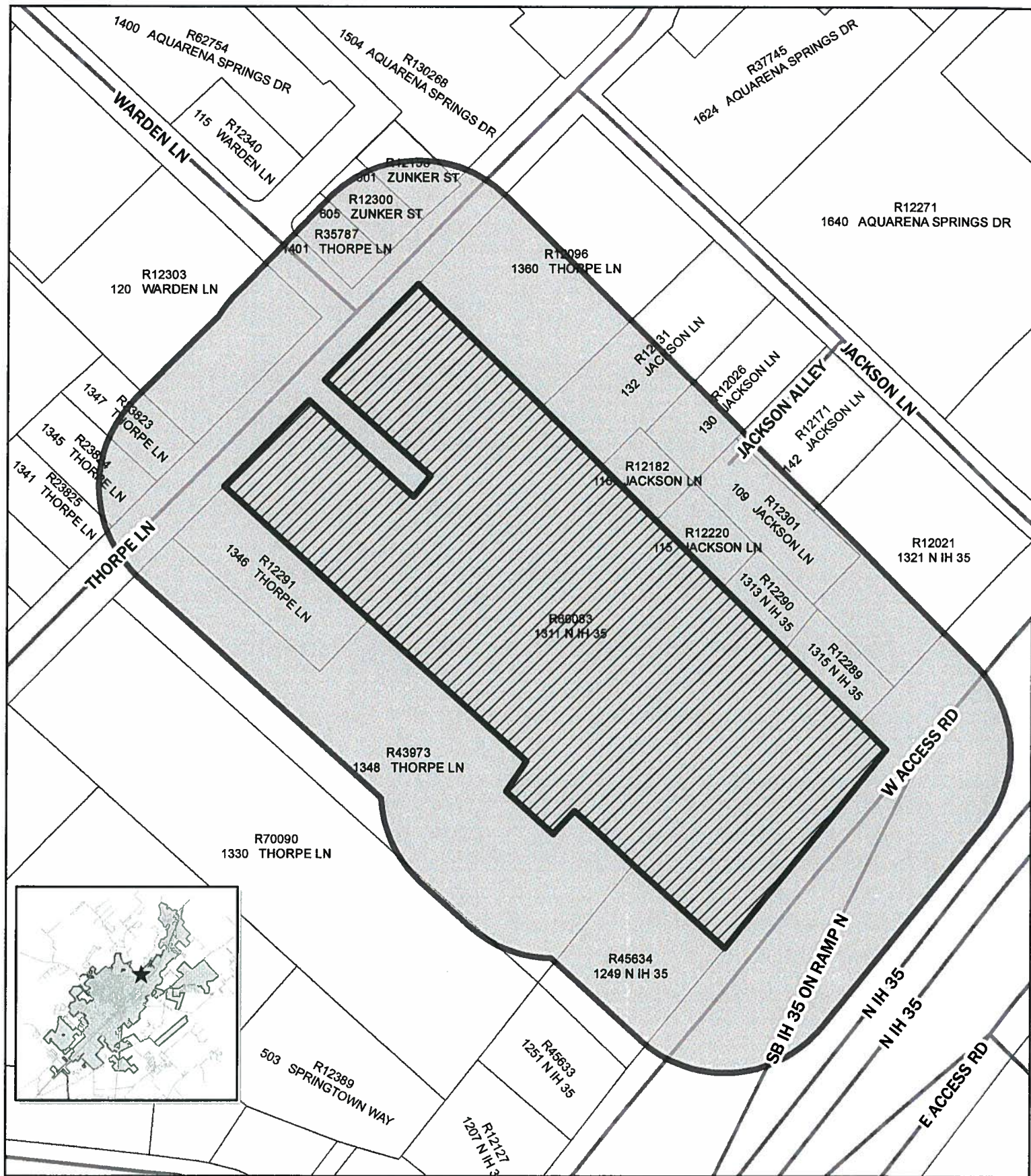
Prepared by:

John Foreman	Planner	October 17, 2011
Name	Title	Date



**This map is for reference only and is not survey quality. No warranty is implied or assumed.**





**ZC-11-30**  
**PDD-11-09**  
**LUA-11-19**  
**Luxury Apartments**  
**1311 IH 35 N**  
**Map Date: 9/09/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0 100 200 400  
 Feet





# PDD-11-09/ ZC11-30

## Planned Development District

## Luxury Apartment Community

## at Thorpe



### Summary:

**Applicant/ Property Owner:** Darren Casey Interests, Inc.  
814 Arion Pkwy. Suite 200  
San Antonio, Texas 78216

**Consultant:** ETR Development  
401 Dryden Lane  
Buda, Texas 78610

### Subject Property:

**Legal Description:** 10.735 acre tract situated in the JM Veramendi League Number 2 Survey.

**Location:** 1311 N. IH-35

**Existing Use of Property:** Undeveloped- The former location of the Hays County Hospital

**Existing Zoning:** Approximately 8 acres is zoned MF-24 with the remaining 2.547 zoned General Commercial

**Proposed Use of Property:** Multi-family

**Proposed Zoning:** PDD overlay with a MF-24 base zoning

**Sector:** 7

**Frontage On:** Thorpe Lane and IH-35 frontage road

**Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	MF-18, Office Professional, Community Commercial	A variety of uses including professional offices, multi-family development and single-family homes
<b>S of Property</b>	Office Professional, MF-24	Medical Offices and Multi-family
<b>E of Property</b>	IH-35 Frontage	
<b>W of Property</b>	Thorpe Lane	

### Project Overview

The proposed development consists of 316 (one and two bedroom) multi-family units. The subject property fronts on both Thorpe Lane and the IH 35 frontage road. The subject property is located along minor arterial roadway that services a variety of uses including multi-family, a grocery store, several banks, retail and restaurants. Due to the proximity of campus and services, in addition to frontage to I-35 the Thorpe Lane corridor has seen a lot of interest for new development and redevelopment of already developed property.

### Site Development

- 10.73 acre site
- The project features 3 and 4 story structures with a clubhouse, pool, fitness center and landscaped courtyards.
- 316 units (1 and 2 bedroom units)

- Installation of a rain water collection system shall be installed on the clubhouse
- 2 electric vehicle charging stations will be provided on the site and be available to the general public.
- The developer has committed to the construction of a solar power bus stop along Thorpe Lane and the installation of solar panels on a minimum of 10% of carports on the site to offset the power demand of the project.
- The project commits to a water quality performance rate of 85% removal of all Total Suspended Solids.

#### **Parkland Dedication**

The applicant has requested to pay a fee-in-lieu of land dedication. Based on the proposed number of units the fee-in-lieu of dedication is approximately \$82,500.00

#### **Streetscape**

The PDD identifies a minimum of a 10' wide sidewalk along with street trees, outdoor benches and seating area to be among some of the streetscape improvements that will be made to the site.

#### **Planning Department Analysis:**

The subject property is located within Sector 7. The Sector Goals include creating a pedestrian-friendly, multimodal community; preserving and enhancing visual character; and improving open space and recreational opportunities. The area contained within Sector 7 typically is heavily auto-dependent, and one of the primary goals is to reduce the need to drive, both within the Sector and the whole city. The proposed development creates a multi-family development, that supports a variety of sustainable building elements, within close proximity to campus facilities, services, and public transportation.

Section 4.2.6.11 of the Land Development Code identifies the purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City's Master Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts

In order to allow for a thorough understanding and discussion of the request this request is scheduled for a public hearing and discussion only. Action on this case is scheduled for November 8, 2011.

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input checked="" type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

#### **Prepared by:**

Sofia Nelson

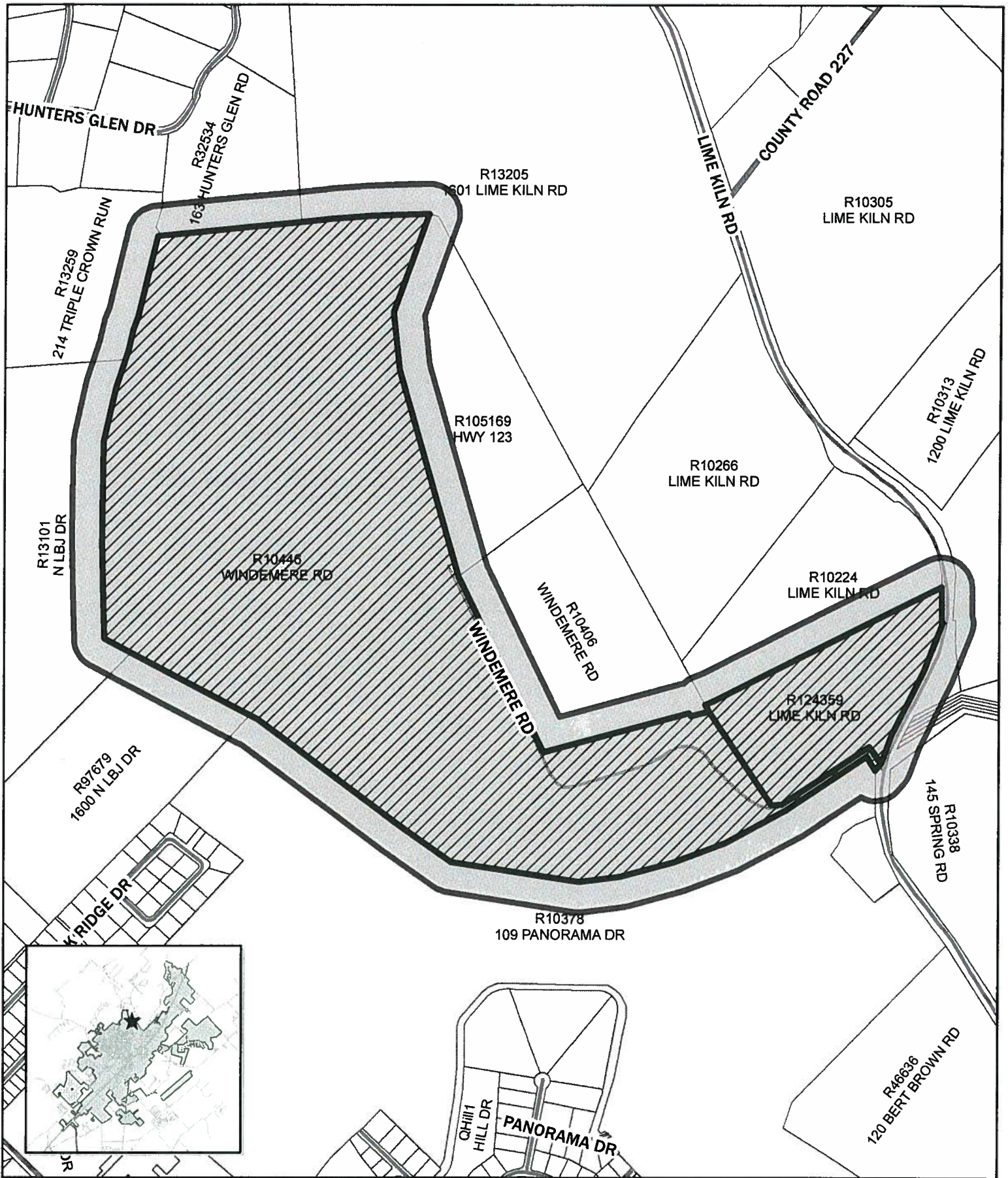
Chief Planner

October 21, 2011

**Name**

**Title**

**Date**



**PDD-11-10**  
**The Preserve at Windemere**  
**Map Date 10/13/11**

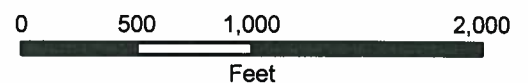


Notification Buffer  
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# PDD-11-10

## Preserve at Windemere



### **Administrative Summary:**

**Applicant:** Joel Richardson, PE on behalf of  
Rob Haug & Vince Wood  
4303 Russell Drive  
Austin, Texas 78704

**Property Owner:** Rob Haug & Vince Wood  
2009 RR 620 North, Suite 130  
Austin, Texas 78734

### **Property/Area Profile:**

**Legal Description:** 104.41 acres in the TJ Chambers, Edward Burleson, R Clever & E Clark Surveys

**Location:** Lime Kiln Road approximately one mile northwest of Post Road

**Existing Use of Property:** Undeveloped

**Proposed Use of Property:** Single-family residential

**Future Land Use Map:** Very Low Density Residential

**Existing Zoning:** SF-R/Single-Family Rural Residential

**Proposed Zoning:** PDD overlay with a base zoning designation of SF-R

**Utility Capacity:** Adequate

**Sector:** NA, adjacent to Sector 3

### **Area Zoning and Land Use Pattern:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>N of Property</b>	Unzoned	Agricultural/residential	Very Low Density
<b>S of Property</b>	AR/SF-6	Agricultural/residential	Low Density
<b>E of Property</b>	SF-6/P	Agricultural/residential	Low Density
<b>W of Property</b>	AR	Agricultural/residential	Very Low Density



## **Planning Department Analysis**

### **Project Overview**

The subject property is located on the west side of Lime Kiln Road, which would provide the only access to the site unless and until Craddock Road is built. The surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone.

The proposed development is part of a 235 acre property that is proposed to be developed in three phases. For zoning purposes the only portion of the property seeking a PDD overlay is Phase 1. Phase 1 of the development consists of approximately 104 acres and is proposed to be developed into 74 single family residential lots to be developed following the existing zoning designation of SF-R (Single Family Rural Residential). One of the foremost reasons the property owners are seeking a Planned Development District overlay is to allow for the development of Phase 1 in a manner that would result in less overall impervious cover than would otherwise result from conventional zoning standards. Modifications to the Land Development Code include reduction of the required lot width, street design, and the commitment to Low-Impact Development Practices on every lot.

### **Site Development**

- 104 acre site
- The existing zoning on the site is SF-R (Single Family Rural Residential). The applicant is seeking to reduce the required lot width from 150' to 125'.
- 74 residential lots are proposed for Phase 1
- The project commits to a water quality performance rate of 85% removal of all Total Suspended Solids. Additionally, the property owner has committed to including a rain garden on each lot (to be constructed when each home is built) in order to minimize storm water impacts.

### **Parkland Dedication**

The applicant has requested to dedicate approximately 3.90 acres to be utilized as open space rather than developed parkland. Additionally the applicant is proposing to dedicate and construct a hike and bike trail that would connect the proposed open space with the Spring Lake Preserve.

### **Streetscape**

While sidewalks are not required for single family lots larger than one acre in size the property owner is proposing the dedication of a 15' wide pedestrian easement throughout the subdivision to allow for the construction of a 6 to 8 foot wide hike and bike trail. The construction of the trail would be the responsibility of the developer and maintenance of the trail would be the responsibility of the Home Owners Association.

### **Planning Department Analysis:**

In order to allow for a thorough understanding and discussion of the request this request is scheduled for a public hearing and discussion only. Action on this case is scheduled for November 8, 2011.

<b>Planning Department Recommendation:</b>		
<input type="checkbox"/>		<b>Approve as submitted</b>
<input type="checkbox"/>		<b>Approve with conditions or revisions as noted</b>
<input checked="" type="checkbox"/>		<b>Public Hearing Only</b>
<input type="checkbox"/>		<b>Denial</b>

### **The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps;
- (2) Whether there is a development agreement in effect;
- (3) Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.

**Prepared by**

Sofia Nelson

Chief Planner

October 21, 2011

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**Name**

**Title**

**Date**